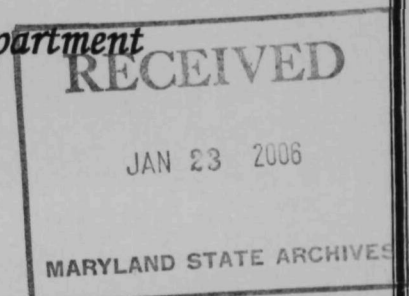


*Report of  
Task Force for  
Missing Vulnerable  
Adults*

*October 1, 2005*

*Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor*

*Chief Bernadette DiPino, Ocean City Police Department  
Chairperson*



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**MEMBERS OF THE TASK FORCE ON**  
**MISSING VULNERABLE ADULTS**

Chief Bernadette DiPino, Chair  
Ocean City Police Department, MD Chief's of Police Association

Delegate Jean Cryor, Vice Chair, House of Delegates

Senator Nancy Jacobs, Senate of Maryland

Senator James DeGrange, Sr., Senate of Maryland

Delegate Kathleen Dumais, House of Delegates

Sgt. Ronald Riggin, Department of State Police

Carla Proudfoot, Maryland Center for Missing Children

Sheriff James Phillips, Jr., Maryland State Sheriff's Association

Chip Weiman, MD, D.C., Delaware Broadcaster Association

John Conwell, Cable Telecommunication Association  
of MD, DE, & DC

RaeAnne Butler, Alzheimer's Association

Kenneth White, AARP

David Fowler, M.D., Office of the State Medical Examiner

Warren Tewes, D.D.S, Office of the State Medical Examiner

Cathy Gardner, family member of missing vulnerable adult

**STAFF:**

Captain Thomas Williams, Legislative Liaison,  
Department of State Police

F/Sgt. David Kloos, Department of State Police

Fran Campbell, Management Associate, Homeland Security  
Department of State Police

Lorie Blevins, Legislative Assistant  
Department of State Police



## **Task Force Executive Summary**

### **I. Background**

During the 2004 Maryland General Assembly, House Bill 1016, Task Force on Missing Vulnerable Adults, was passed and signed into law by Governor Robert L. Ehrlich, Jr. See **Attachment 1** for a complete copy of Chapter 528 of the Acts of 2004 (House Bill 1016). The Task Force was directed to examine the following objectives:

- (1) Identify, access, and compile data about missing adults in a similar manner as other states that have programs to locate missing adults;
- (2) Make recommendations regarding establishing better communication between counties and the State when vulnerable adults are missing;
- (3) Make recommendations to establish a system to locate and identify, using criteria and strict protocols developed by the Task Force, vulnerable adults who are missing and to identify unclaimed deceased adults who may be missing vulnerable adults;
- (4) Make recommendations for law enforcement officials to establish protocols for working with the broadcast media in locating vulnerable adults who are missing; and
- (5) Investigate integration with Amber Alert and the broadcast media in locating vulnerable adults who are missing.

The Maryland General Assembly recognized the importance of improving the ability of law enforcement to work cooperatively with other local and state agencies as well as non public institutions in locating and returning missing vulnerable adults and identifying unclaimed deceased adults who may be missing vulnerable adults. As such, the Task Force consisted of 15 members including representatives from the Department of State Police, the Maryland Chiefs of Police, the Maryland Sheriffs Association, the Office of the Chief Medical Examiner, and the Maryland Center for Missing Children. The membership also included representatives from the Senate, House of Delegates, as well as people with relevant interest. A complete listing of the Task Force membership may be found on **Page i**.

### **II. The Work of the Task Force**

The Task Force convened 7 meetings between December 2004 and September 2005. The meetings were open to the public. The first Task Force meeting was held on December 6, 2004. At this meeting the membership elected Chief Bernadette Dipino, from the Maryland Chiefs of Police, as Chairperson and Delegate Jean Cryor as Vice-Chairperson. The Task Force members reviewed the mandates specified in the bill and established the 5 objectives for study and review.

During the second meeting of the Task Force held on January 10, 2005, the membership heard a presentation from Ms. Kylene Johnson, Director of the Doe Network. Ms. Johnson distributed several handouts. Her presentation gave the Task Force a better understanding of how many people are actually missing in Maryland. Ms. Carla Proudfoot, Director of the Maryland Center for Missing Children, also presented a chart, from 2003 data, indicating the total number of missing persons entered into the NCIC database. **See Attachment 2.** Chief Dipino charged the membership with establishing a definition for "missing or vulnerable adult."

At the third meeting of the Task Force, held on May 10, 2005, the Task Force heard three presentations. Ms. Cathy Gardner, mother of missing person Tracey Gardner-Tetso, gave the first presentation. Ms. Gardner explained her daughter's case and addressed the lack of available resources in this state to assist families, friends and volunteers who organize efforts to search for missing loved ones. Specifically, the local jurisdiction where searches were conducted could not provide assistance in getting trained search and rescue dogs to assist their search teams. To date, the Gardner family and friends have searched over 1000 acres without the assistance of law enforcement. She felt that there were many stumbling blocks placed in the way of victims by local law enforcement.

Dr. Warren Tewes, from the Office of the Chief Medical Examiner, gave the second presentation. Dr. Tewes spoke of the need for law enforcement to use existing databases, which provide information on missing persons. Those databases include the Homicide Investigation Tracking System, FBI National Missing and Unidentified Persons DNA Database, and the incorporation of the Maryland Dental Database for Missing and Unidentified Persons into the NCIC 2000 Dental Data Files. Dr. Tewes also spoke of the need for staffing of missing person investigation units, formalized training techniques provided at entrance level and in-service for law enforcement, and the need to eliminate waiting periods before a missing person report is taken. He spoke of the need for law enforcement to collect dental and medical evidence for long term missing person cases as well as accurate physical descriptors and dentists' contact information. Other recommendations that would aid in the location and identification of missing adults include denture and orthodontic appliance labeling, the establishment of a separate dental database for released prisoners, and the establishment of a missing persons report hotline. **See Attachment 3 for copy of report.**

Ms. Sue McNamee, from the Department of Legislative Services, gave the third presentation. Ms. McNamee researched a national organization called "A Child is Missing Alert". **See Attachment 4.** This organization uses a telephone alert system to target neighborhoods with personalized messages regarding a reported missing person. The telephone messages provide a look out for the missing person and provide a telephone number for someone to call with information. The program is free to law enforcement.

The fourth meeting of the Task Force was held on June 21, 2005. The Task Force heard from Mr. Harry E. Carlile, Jr. representing the FBI. Mr. Carlile began by providing the history and background on the National Crime Information Center or NCIC. He explained how the system works and what data is included in the system. Specifically he directed his information to the Missing and Unidentified Files Update. As of March 21, 2005 the following data is in the Missing and Unidentifiable Person records:

- 103,987 missing persons, of these 5,905 records are entered with dental information
- 5814 unidentified persons, of these 3,822 records are entered with dental information.

Mr. Carlile detailed the type of information entered on missing persons and the specific types of information entered on unidentified persons. There are three types of unidentified persons entered into the system; living person, catastrophe victim and deceased person. Based on the information provided it is apparent that NCIC is underused. Mr. Carlile concluded with the following recommendations for identifying the missing:

1. Increase the understanding of the capabilities of the NCIC Missing and Unidentified person system among all the users.
2. Work with the Coroner/Medical Examiner offices to increase their connectivity to and their proper use of NCIC as it pertains to the missing.
3. Cooperation between law enforcement and Coroner/Medical Examiner to allow for increased submission of the NCIC Supplemental Dental Record.

Ms. Carla Proudfoot provided information to the Task Force that she gathered at a recent conference in Philadelphia regarding Missing and Unidentified Persons. The Department of Justice (DOJ) sponsored the conference. She presented the group with a copy of model legislation developed by DOJ. **See Attachment 5.**

The family of missing person Bernadette Caruso presented their report detailing problems with the system designed to help victims. It is a comprehensive report. **See Attachment 6.**

The Task Force thereafter held work sessions on August 30, 2005, September 9, 2005 and September 19, 2005 to discuss the information provided. In line with the objectives specified in House Bill 1016, the Task Force developed recommendations to support each objective in Chapter 528 of the Acts of 2004.

### **III Recommendations**

#### **OBJECTIVES:**

**#1 Identify, access, and compile data about missing adults in a similar manner as other states that have programs to locate missing adults.**

- **RECOMMENDATION:**

- A. All missing persons should be entered into a state wide database (NCIC 2000, MILES) that all law enforcement has access to. The missing persons report must be completed to its fullest potential. Medical and dental data should be collected within 30 days. Funding should be provided for dedicated personnel to operate a state wide database for all missing and unidentified people (children and adults). This would include increasing the number of personnel that would work at the Maryland State Police Maryland Center for Missing Children. There should only be one central clearinghouse for all missing person data.
- B. One standardized form be used for all missing persons reports that all Law Enforcement agencies would use. Include unique identifiers on the form recommended by the Office of the Medical Examiner (OCME) and the FBI. The Maryland Police & Corrections Training Commission should develop the form in conjunction with the OCME and the FBI. The data will be entered at the Maryland State Police Maryland Center for Missing Children. This is consistent with National Model Legislation developed by DOJ.
- C. Integrate existing dental records from the Maryland Dental Database for Missing and Unidentified Persons into the NCIC 2000. See Attachment 3.
- D. Integrate released inmates' dental records from the Department of Corrections into a dental database (similar to the Maryland Dental Database for Missing and Unidentified Persons), as a reference for those who may become the subject of any anonymous death. See Attachment 3.

**#2 Make recommendations regarding establishing better communication between counties and the State when vulnerable adults are missing.**

- **RECOMMENDATION: Better Communication & Educate Law Enforcement**

- A. Mandate additional training for our law enforcement community on Missing Children Investigations, Missing Persons Investigations and the Child Is Missing Program. Training should be provided at entry level and in-service

schools to include training on how to take a missing persons report and what are the criteria that they should be reviewing. This could be mandated through the Maryland Police & Corrections Training Commission. They are responsible for standardizing training. Discussion was held regarding a funding mechanism for the additional training. Options discussed included AARP, Alzheimer's Association, SHA, Homeland Security, or the Attorney General's Office at the DOJ. Delegate Cryor advised that she will try to get funding through Federal Funds and also recommend training be put in the budget for the next fiscal year. Training requirement is consistent with National Model Legislation developed by DOJ.

- B. Recommend the development of a Missing Persons Task Force Committee. The committee would be formed to allow networking for law enforcement. This could be one person from each agency to annually update a contact list. This person should be part of the department's homicide unit, so that cases are quickly assessed by experienced investigators, who can screen them for immediate action, or referred appropriately. See Attachment 3.
- C. Encourage DHMH explore the use of some of the Crime Victims Grant money towards the identification of missing people. This would help solve crimes as well as, provide closure for the families that are victims.
  - 1. Federal law P.L. 106-468 – Kristen's Act – authorizes the Attorney General to make grants to public agencies or nonprofit private organizations, or combinations thereof, for programs to: (1) assist law enforcement and families in locating missing adults; (2) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown; (3) maintain statistical information of adults reported as missing; (4) provide informational resources and referrals to families of missing adults; (5) assist in public notification and victim advocacy related to missing adults; and (6) establish and maintain a national clearinghouse for missing adults.
  - 2. Encourage law enforcement agencies to utilize some of their monies from Homeland Security in the area of identification of missing people, this may be a way to fund some of the mandated training.

**#3 Make recommendations to establish a system to locate and identify, using criteria and strict protocols developed by the Task Force, vulnerable adults who are missing and to identify unclaimed deceased adults who may be missing vulnerable adults.**

- **RECOMMENDATION:**

- A. Mandate that all law enforcement has to take a report and enter the reported missing person(s) into NCIC immediately. There are still law enforcement agencies throughout the State of Maryland that require waiting 24 hours before they take a report. Allow telephone reports to be taken. Anyone should be able to file a report not just a family member. It could be your neighbor, employer, interested party, etc. This is consistent with National Model Legislation developed by DOJ.
- B. If funding is available, mandate all law enforcement handout a copy of the Missing handout "Missing: What to know, What to do," distributed by Maryland Missing Persons Network." **See Attachment 3. (Appendix 1)** Make this information available to the victim's family. Supply the handout/brochure to the family when they make the report. Current law requires a victims rights pamphlet be given to every victim of a crime. Mandate that all law enforcement distribute the handout/brochure with no penalty attached or connected to it.
- C. No cremation of the body until identification has been make.
- D. Recommend the use of medical band, identification bracelet or ID cards for persons in nursing homes or have the residential facility develop a method by which the facility can readily identify vulnerable individuals should they leave a facility without the facilities knowledge. DHMH licenses nursing homes/long term care facilities. Mandate that Nursing Homes have a policy/procedure on how they take care of the people. Recommendation for DHMH to be responsible for ensuring policies are in place. Ask Nursing Homes/Long Term Care Facilities to develop a policy to keep their clients/patients safeguarded. They could in turn submit the policy to the Summit.
- E. As in 35 other States, legislate the economic process of name labels in dentures and orthodontic appliances. This was enacted in 2004 by Pennsylvania (Appendix #5), in Attachment 3.
- F. Establish computer access and appropriate person for NCIC 2000 in the Office of the Chief Medical Examiner, State of Maryland to identify unclaimed deceased adults who may be missing vulnerable adults.

**#4 Make recommendations for law enforcement officials to established protocols for working with the broadcast media in locating vulnerable adults who are missing.**

- **RECOMMENDATION:**

- A. Law Enforcement Agencies establish/develop good working relationships with broadcasters. Law enforcement needs to develop their own protocols for handling the media relating to missing persons.
- B. Law Enforcement should consider the use of Rapid Response telephone system **See Attachment 4**. Police agencies could tie this into community policing and neighborhood watch groups. Law enforcement should develop their own protocols.

**#5 Investigate integration with Amber Alert and the broadcast media in locating vulnerable adults who are missing.**

- **RECOMMENDATION:**

- A. The broadcast and cable television media have been very cooperative with the law enforcement community in establishing and implementing the Maryland AMBER Alert (America's Missing: Broadcast Emergency Response) Plan. Due to FCC requirements and protocols, the Task Force does not recommend integrating a missing vulnerable adults program with Amber Alert.

# ***Attachment 1***

## ***House Bill 1016 – Task Force on Missing Vulnerable Adults***



**ENROLLED BILL***-- Judiciary/Judicial Proceedings --*

roduced by **Delegates Cryor, Amedori, Bates, Carter, Conroy, Eckardt,  
Glassman, Goldwater, Healey, Hixson, King, Madaleno, Mandel,  
McMillan, Rudolph, Shank, and Taylor**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.\_\_\_\_\_  
Proofreader.

sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER 528

N ACT concerning

**Task Force on ~~Extending the Amber Alert to~~ Missing Vulnerable Adults**

OR the purpose of establishing a Task Force on ~~Extending the Amber Alert to~~  
Missing Vulnerable Adults; providing for the composition of the Task Force;  
requiring the Task Force to elect a chair and vice chair of the Task Force from  
among the Task Force's members; providing staff for the Task Force; prohibiting  
members from receiving compensation but entitling members to reimbursement  
of certain expenses; ~~requiring the Task Force to identify, access, and compile~~  
~~certain data; requiring the Task Force to make certain recommendations~~  
establishing the duties of the Task Force; requiring the Task Force to submit a  
certain report to the Governor and the General Assembly on or before a certain  
date; providing for the termination of this Act; and generally relating to a Task  
Force on ~~Extending the Amber Alert to~~ Missing Vulnerable Adults.

## Preamble

~~WHEREAS, A system is needed to locate adults who are vulnerable due to faulty prescription medications that cause confusion, Alzheimer's disease, a sudden onset of illness, an accident, or an unanticipated event; and~~

~~WHEREAS, When a vulnerable adult crosses county lines, the adult is difficult to locate; and~~

~~WHEREAS, The current Amber Alert is an effective means of locating missing children, and the existing system can be expanded to include vulnerable adults who are missing; now, therefore,~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force on ~~Extending the Amber Alert to~~ Missing Vulnerable Adults.

(b) The Task Force consists of the following members:

(1) ~~two members~~ one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the Maryland House of Delegates, appointed by the Speaker of the House;

(3) a representative of the Department of State Police, selected by the Department;

(4) a representative of the Maryland Center for Missing Children, selected by the organization;

(5) a representative of the Maryland Chiefs of Police Association, selected by the association;

(6) a representative of the Maryland State Sheriffs Association, selected by the association;

(7) a representative of the Maryland, D.C., Delaware Broadcasters Association, selected by the association;

(8) a representative of the Cable Telecommunications Association of Maryland, Delaware, and the District of Columbia, selected by the association;

(9) a representative of the Alzheimer's ~~Foundation~~ Association, selected by the ~~foundation~~ association; and

(10) a representative of AARP, selected by the organization;

UNOFFICIAL COPY OF HOUSE BILL 1016

- (11) a representative of the Office of the State Medical Examiner, selected  
the office;
- (12) a representative of the United Seniors Association, selected by the  
ociation; and
- (13) two individuals, selected by the Governor, each of whom is the spouse  
a family member of a missing vulnerable adult in the State.

(c) The members of the Task Force shall elect the chair and vice chair from  
ong the members of the Task Force.

(d) The Department of State Police shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State  
avel Regulations, as provided in the State budget.

(e) (f) The Task Force shall:

(1) identify, access, and compile data about missing adults in a similar  
anner as other states that have programs to locate missing adults;

(2) make recommendations regarding establishing better communication  
etween counties and the State when vulnerable adults are missing;

(3) make recommendations to ~~put together a better~~ establish a system to  
cate and identify, using criteria and strict protocols developed by the Task Force,  
vulnerable adults who are missing and to identify unclaimed deceased adults who  
ay be missing vulnerable adults;

(4) make recommendations for law enforcement officials to set up  
etocol to work with Amber Alert and establish protocols for working with the  
roadcast media in locating vulnerable adults who are missing; and

(5) investigate integration with Amber Alert and the broadcast media in  
locating vulnerable adults who are missing; and

(6) report its findings and recommendations to the Governor and, in  
ccordance with § 2-1246 of the State Government Article, to the General Assembly  
n or before October 1, 2005.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
ffect October 1, 2004. It shall remain effective for a period of 1 year and 1 month and,  
t the end of October 31, 2005, with no further action required by the General  
sssembly, this Act shall be abrogated and of no further force and effect.

## ***Attachment 2***

### ***NCIC 2003 Database on Missing Persons***

## NCIC Recorded Statistics for 2003

NCIC Entries for 2003	Disabled Caution	Disabled	Involuntary Caution	Involuntary	Endangered	Endangered Caution	Total by Month
JAN	10	63	3	50	143	10	279
FEB	8	64	0	46	131	16	265
MAR	10	59	1	50	140	18	278
APR	19	64	0	38	145	11	277
MAY	19	79	1	34	185	15	333
JUN	16	69	1	40	161	7	294
JUL	13	66	0	51	164	10	304
AUG	7	85	0	48	156	13	309
SEP	9	63	0	47	151	17	287
OCT	19	60	1	42	194	12	328
NOV	11	61	0	43	153	8	276
DEC	10	59	0	41	135	11	256
Total							3486
Total	151	792	7	530	1858	148	3486

# ***Attachment 3***

***Dr. Tewes report on Investigation  
Curriculum***

***Pamphlet – What to Know,  
What to Do***



UNIVERSITY OF MARYLAND

**THE TASK FORCE ON VULNERABLE MISSING ADULTS**

May 10, 2005 meeting

"In the scope of law enforcement training, missing persons investigation curriculum is often little more than a presentation of completing the correct paper forms. Specialty training, communications, information technology, and funding for them, are at the core of the following recommendations list."

Warren Tewes, DDS, MS *WT*  
Forensic Dentist

Office of the Chief Medical Examiner and  
The University of Maryland Dental School

Law enforcement's Missing Persons Unit must be staffed with specialty personnel, who are assigned long-term. This should be part of the department's homicide unit, so that cases quickly assessed by experienced investigators, who can screen cases for immediate action, or referred appropriately.

Mandate dedicated funds for Missing and Unidentified Persons Units and Homicide Investigation Tracking System (HITS), chiefly to support specially trained and experienced data entry and data analysis personnel.

Formalize missing persons training techniques and resources in police academies and as part of required in-service training.

Similar to legislation in New York and other states, missing persons reports must be entered into the Homicide Investigation Tracking System (HITS) to track patterns in violent crimes and suspicious disappearances.

No "waiting period" will speed the initial report of missing persons, facilitating immediate entry into state and national databases.

Establish a missing persons report hotline for adults.

Establish standard information for law enforcement to provide to family members reporting a missing person. See model Missing: What to know. What to do appended #1

Enforce collection of missing persons' evidence: physical description and dentists' contact information.

Law enforcement must collect dental and medical evidence for long-term (60 days) missing persons, as permitted by HIPAA law appended #2.

Require use of the existing FBI National Missing & Unidentified Persons DNA Database

- Consider statewide DNA legislation as enacted by Pennsylvania (appended #3) and California (appended #4)

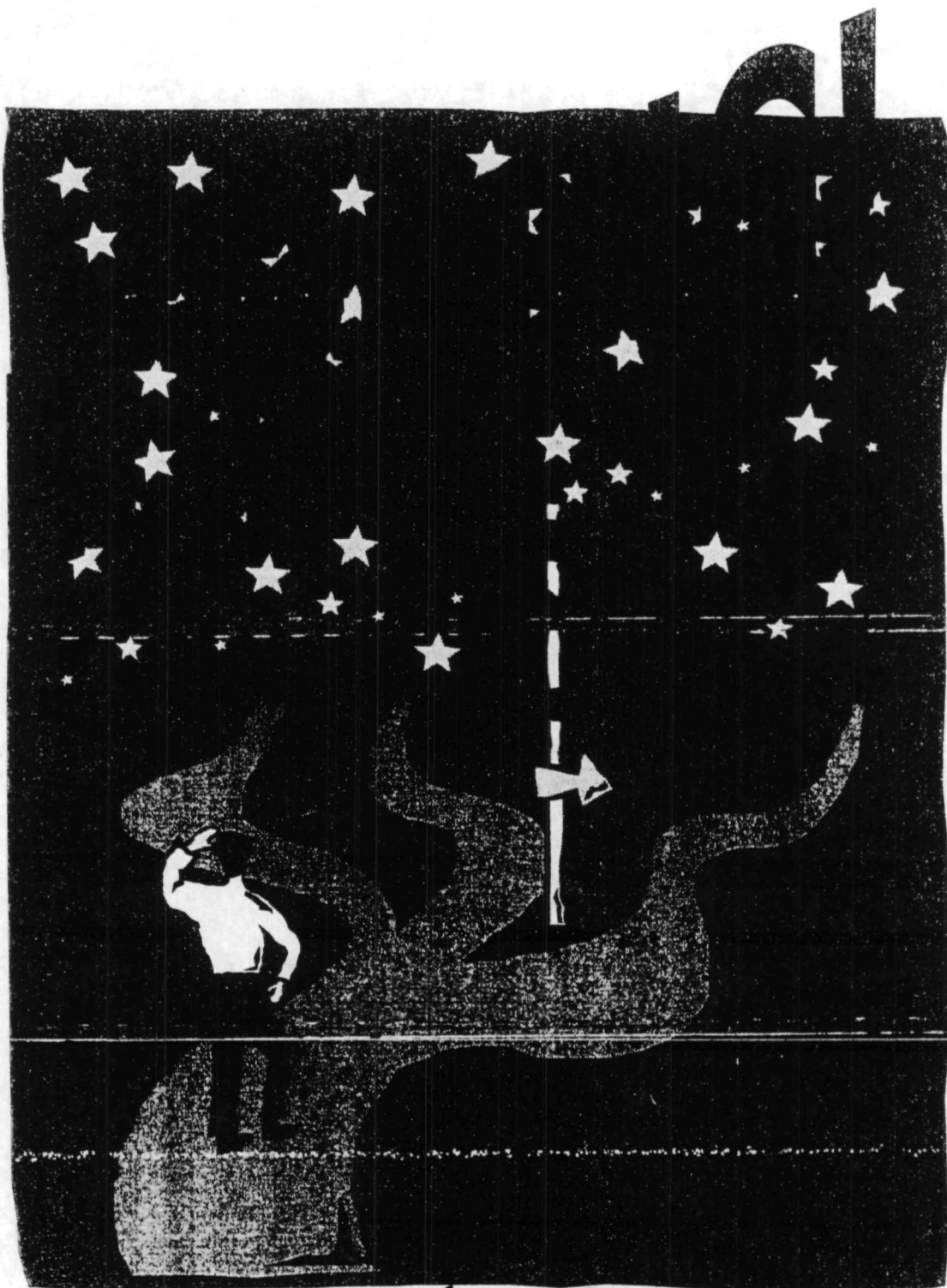
Legislate the economic process of denture and orthodontic appliance labeling as enacted in 2004 by Pennsylvania (appended #5).

Integrate missing and unidentified persons dental records from the Maryland Dental Database for Missing & Unidentified Persons into the NCIC 2000 Dental Data Files, via MSP terminals.

Similar to the Maryland Dental Database for Missing and Unidentified Persons, integrate released inmates' dental records from the Department of Corrections into a stand-alone dental database in the Office of the Chief Medical Examiner, as a reference for those who may become the subject of an anonymous death.

Thank you for your consideration and action.  
WT





**What to know**  
**What to do**

# ACKNOWLEDGEMENTS

The information contained in this booklet was compiled for the Maryland *Missing and Vulnerable Persons Task Force*, chaired by the Honorable Delegate Jean Cryor. The Task Force would like to thank the following agencies or persons for their contributions to this booklet.

*Alzheimer's Association*  
*Anne Arundel County Police*  
*Anne Arundel County State's Attorneys Office*  
*Baltimore City Police*  
*Baltimore County Police*  
*Bel Air Police Department*  
*Charles County Sheriff's Department*  
*Doe Network*  
*Dr. Dave Fowler, Chief Medical Examiner*  
*Dr. Warren Tewes, volunteer forensic dentist*  
*Fairfax County Police*  
*Family and Friends of Missing Persons and Violent Crime Victims*  
*Frederick County Police*  
*Howard County Police*  
*Loved ones of Maryland's missing persons*  
*Maria Topper, Legislative Assistant, Delegate Cryor*  
*Maryland Center for Missing Children*  
*Maryland Missing Persons*  
*Maryland State Police*  
*Missing and Exploited Children's Association of Maryland (MECA)*  
*Montgomery County Police*  
*Office of the Chief Medical Examiner's Office*  
*Parents of Murdered Children*  
*Prince George's County Police*  
*Retired Chief of Police Associations*  
*Sgt. Roger Cassell (retired), Maryland State Police*  
*Stephanie Roper Foundation*  
*Washington State Missing and Unidentified Task Force*

## **WHAT YOU NEED TO KNOW / WHAT YOU CAN DO**

When a loved one is missing for an unexplained reason, it can be the most challenging, difficult and emotional time that anyone could endure. This experience is wrapped in feelings of hopelessness, helplessness, confusion, guilt and uncertainty of what to do and what to expect. This booklet provides the basic information to help explain some of the difficulties you may encounter.



### **TO REPORT A MISSING PERSON: CALL 911**

- A dispatcher will send a patrol officer to your residence to take a report. If you are calling about a missing person that is in another city or state, they will instruct you where to call.
- If the officer refuses to take a report, ask for reasons why and ask to speak to a supervisor.

If this is a missing child, a report will be taken immediately and a search will begin for the child. Pursuant to XXX. If the missing person is over 18, and under 21, the law requires police to search for them as children pursuant to Suzanne's Law.

### **Criteria for the Amber Alert**

**The following is the criteria for the Amber Alert to be activated:**

- 
- 
- 
-

In Maryland, thousands of adults are reported missing each year. You may have seen on television or heard that you must wait 24 or even 72 hours to report someone missing. **This is not true. There is no required waiting period.** In fact, the sooner law enforcement has a case the sooner they can get to work in helping you and the missing person. Very few missing adults are victims of foul play or some other criminal act. Most missing persons are found or return home within just a few days. When the rare occasion arises that foul play is suspected, the investigation changes accordingly.

**Being a missing person is not a crime.** Adults can be missing if they choose to, but **children cannot.** Adults can choose to leave work, ignore friends and even family. Because of this, law enforcement is quite limited in what they can do. Even if law enforcement does locate the person, they cannot divulge any private information about that person without special permission from that person. They will inform the family that a welfare check was done and the person was not in harm's way.

A missing report may be taken, but there are criterions for missing persons to be entered into the FBI's national database, **National Crime Information Center (NCIC)**. They can be entered into NCIC only when the missing person has a physical handicap or mental disability, if they are missing involuntarily (kidnapped), if they are a victim of a catastrophe or if they are in some way endangered.

## **ARE THEY REALLY MISSING?**

Every person can voluntarily absent themselves and become missing. **There is no crime against being missing, and if a person is voluntarily missing, they are entitled to their privacy.** You will need to help law enforcement understand if in your case, the "missing" is not voluntary and they have been forcibly taken. There are several factors that will influence the reporting officer's determination of whether the missing is voluntary or involuntary.

### **Some of these are:**

1. Have they failed to perform an important task? (i.e., pick-up children from babysitter, loved one from work)
2. Do they suffer from any mental or cognitive impairment?
3. Do they have a history of being "missing"?
4. Are they having relationship problems?
5. Are they having financial problems?
6. Have they been despondent or depressed?

7. Are any of their personal belongings missing? (i.e., clothing or toiletries)
8. Have they recently suffered the loss of a loved one, or the end of a long-term relationship?
9. Is their car missing?
10. Is their wallet missing?
11. Are they having difficulties at work or school?
12. Did they take necessary prescriptions?
13. Have they drained their bank account?
14. Are they in legal trouble?
15. Do they have a substance abuse problem?

*Note: Sometimes reports are refused in cases of people who continually disappear, have substance abuse problems, legal dilemmas and mental illness. There are victim advocate groups out there who will still try to help you locate your missing relative.*

In most cases, police will do a welfare check to see if the person is okay. You may only receive notification that the person is okay, but no information of where they are. If there are concerns about a person's safety (suicidal – homicidal), you may need to contact a court for an emergency evaluation order.

## **WHAT INFORMATION WILL I NEED TO GIVE?**













As a family member or friend of a missing person, you might possess information critical to finding them. In Maryland your local Police Department or Sheriff's Office or is primarily responsible for receiving and investigating cases involving missing persons. The Maryland State Police also handles some missing person reports in conjunction with local law enforcement. Again, there is no time limit for which a person must be missing before they can be reported. *When you report a person missing, be prepared to provide:*

- The missing person's full name, date of birth, and social security number.
- Details of where and when they were last seen or heard from.
- Details of any vehicle that may be involved.
- Any known travel plans or destinations.
- Details of any persons in the company of the missing person.
- A description of what the missing person was wearing.
- A description of any unique physical or speech characteristics.

When making a report obtain the name, phone number and badge number of the officer who took the report so you can call them to report any additional information that you discover. Ask the officer if they are actually taking a report and if your missing loved one will be

entered in NCIC. If they are, request a copy of the report, and ask for the NCIC number.

### **What else should I do?**

-  Create a missing person flyer and distribute them in areas the missing person frequents, knows people, or place last scene.
-  Check with missing person's associates. Ask them to notify you if they hear from or see the missing person.
-  Have a current picture of the missing person available, preferably smiling. If the officer does not ask for a picture, offer it to them.
-  If the case is turned over to a detective, work directly with them and share all information you may develop with the detective.
-  Keep a log of names, phone numbers and addresses (if known) of everyone you talked to before and after reporting your loved one missing. Note the information received and date of the contact in the event you need to get back to them for additional information.
-  Get a caller-ID and log all calls, even hang up calls. Get a cell phone so you can be reached when away from home
-  Provide cell phone and land line phone bills belonging to the missing person to the case investigator.
-  If the missing person uses a computer, provide the name of the Internet Service Provider to law enforcement and any known email addresses, instant messenger names, online businesses or web sites they operated, and types of web sites they like to frequent.
-  Retain personal items such as toothbrushes and hair brushes, razors, underwear, eyeglasses, dental molds, retainers, mouth guards, any other item worn frequently by the person, or items that only they have used. Put these items in a paper bag in a secure place.
-  If the missing person was employed, check with their employer and inquire if they have picked up their last paycheck or left employment with direction on where to send their last paycheck.
-  Check with the missing persons landlord to determine if any problems occurred at the place of residence. Find out if rent has been paid or if the missing person has given notice to vacate.
-  Check with the missing persons bank to establish if there has been any activity in the account. Emphasize that you are not interested in the value of the account but need to establish if there has been any activity after a certain date or if the account has been closed and transferred to another location. Provide the name of the bank to law enforcement.

- ✓ Contact the missing persons dentist and primary care physician and tell they may need to provide the missing persons records to police.
- ✓ If the missing person is receiving benefits from the State of Maryland, check with Department of Social and Health Services (DSHS) to see if any benefits have been used. If the missing person receives food assistance from the State, check if the food card has been used. Again emphasize that your only interest in the account is to establish if there has been any activity in the account. Provide law enforcement with any information regarding DSHS benefits the missing person may be receiving.



**Contact Social Security:** *Social Security will not provide a missing person's address but will forward a letter. Call Social Security at 1-800-772-1212 to determine your eligibility for the letter forwarding service and to ascertain if the social security number is active.*

**If the missing person resides in another city or state, ask the local law enforcement agency to stop by and check on their welfare, and contact you to let you know if the person is safe.**

### **The process can be frustrating.**

Because of our preconception of what the police can or cannot do, we may be angered when we are certain that someone is responsible in the disappearance of our loved one and the police cannot search that person's car or house, and cannot arrest that person regardless of the level of suspicion. Based on both federal and state constitutions and court decisions, someone's home or car or place of business cannot be searched without a search warrant. That often causes a great deal of anxiety and anger on the part of the loved ones left behind who are apt to blame the investigating police officer or the police agency. Refrain from contacting the person unless police ask you to. You may jeopardize the investigation and get yourself in legal trouble.



## **CAN I HIRE MY OWN INVESTIGATOR?**

**Yes.** If you are considering hiring a private investigator to help locate a missing loved one, check with your attorney for referral. Contact the Better Business Bureau and the Consumer Protection Division of the Attorney Generals Office to find out if any complaints have been made against the private detective. Also check with the Maryland State

Police to make sure their license is current. Ask the detective for references and check them out. It is a good idea to have your lawyer review the contract with the investigator before you sign it or pay any money. Have the contract spell out exactly what services are being purchased. Once you have hired a private investigator, consider notifying all those working on the case. Your private investigator's search activities should be coordinated to the fullest extent possible to avoid costly and time-consuming duplication of services.

## **CAN LOCAL MEDIA BE USED TO HELP THE INVESTIGATION?**

**Yes.** Check with investigator to make sure that media coverage will not imperil the missing loved one or impede the investigation. Have all posters and flyers approved by law enforcement prior to releasing.

Television, radio and magazine coverage may help you find your missing loved one. Contact local and national media with your story. Make sure you have a recent photo and complete description of the missing person including date of birth, date, time, place and circumstances of the disappearance. If the missing person is disabled or elderly and requires medication or medical attention, emphasize that.

Request that the police issue a press release about your missing loved one. The media has to check with police departments for case verifications from families, so if it comes from them, word can get out sooner.

If there has been coverage, call the news outlet if a birthday or anniversary has passed without a word from the missing person.

Rewards can be helpful to generate leads and to create a news story. If you are planning to offer a sizeable reward, increase it incrementally to create an additional news story. Don't forget cable stations and the Internet.

You can create a home page devoted to the missing person, link it up to other missing person's pages and post information about your missing person on the web.

**Sadly,** if you are successful in obtaining publicity about your missing there might be some who will call seeking to exploit your situation. Be wary of those who demand money with a promise to find your missing person, including private investigators or psychics or most distressing, those who claim to be holding your missing person for ransom. Report all such information to law enforcement.



*Note: If the law enforcement provides a description to the media of your loved one, they might leave some articles of clothing out of the description on purpose in order to eliminate false sightings. Don't call the media and make a correction but check with your detective for an explanation.*

## **EMOTIONAL REACTIONS WHEN SOMEONE YOU LOVE IS MISSING**

When a disappearance occurs, everything changes. The emotions of those who are left behind range from: sadness, guilt, hurt, anger, depression, hopelessness, apathy, rage, hysteria, to a lack of appetite and sleep. Nightmares, panic attacks, anxiety, lethargy, thoughts of harming self and others, and lack of concentration, are also common. It is not uncommon for those left behind to fall into deep depressions, lose their jobs, and have uncommon behavior changes. They are dealing with a situation which is at the very highest stress level possible. A medical doctor should be contacted; consulting a therapist immediately is also advisable.

The emotions you are feeling are natural and have a great impact on your life, immediately and in the long term. You will feel a great deal of anxiety about the safety of remaining family members. It is prudent to let your family members know about your whereabouts at all times and urge other family members to do the same. Explain to your teenage children that your objective is not to control them but to assure their safety. Often teenagers are apt to rebel under new restrictions. This may be necessary for a number of years, even after your loved one is located. Your focus may be so much on your missing loved one that other family members may feel neglected, and sometimes they are. Take time to pay attention to them to avoid resentment on their part.

As a family member or friend of a missing person, you may find your health situation changes, and your employment and financial situation may be in jeopardy due to lost days at work. Your quality of life and relationships may suffer and you may be consumed by emotions that are unfamiliar to you. Some of these emotional responses are denial, emotional withdrawal, helplessness, hopelessness, numbness, sadness, shock, tension, worry, intense anger, blame, confusion and depression, fear and guilt. In the face of adversity some of these emotions are expected.

## HOW CAN I TAKE CARE OF MYSELF?

First and foremost, stick to your normal routine.

**Talk to other people** - your family, your clergy, and your friends. Do not cut yourself off from supportive relationships. And take care of yourself. If you are unable to eat due to stress, take multiple vitamins and drink high protein drinks.

**Check with your doctor** - you may experience symptoms of stress such as heart palpitations, high blood pressure, increased sweating, migraine, difficulty concentrating, startle responses, sleep disturbance, tremors, chills, chest pains and a myriad of other body problems. Your doctor can help you with these symptoms.

**Look to support organizations** - Community-based missing person advocacy organizations recognize that your experience is complex and confusing, and they can help you through this challenging and traumatic time. Often your friends and acquaintances may become weary hearing about your problem. A network of family members who have dealt with missing persons is available for support. If time has passed with no results, you may be reassured that others also share your experience and discussing your emotions and feelings with them may provide a measure of relief during the time your loved one is missing. Call xxxx for more information. It takes courage, determination and the help of family, friends and trusted organizations to help you make it through. **You are not alone.**

## What you need to know about HIPAA

*The Health Insurance Portability and Accountability Act (HIPAA) was passed by Congress to address many healthcare issues. HIPAA's Privacy Rule establishes patient privacy rights and controls through standards for how to use and protect patient information. This privacy rule essentially prohibits using or disclosing protected health information except as the rule stipulates. It is intended to protect the rights of consumers and provide ways for the consumer to authorize the access to private medical information. Protected Health Information or "PHI" is any health information that could potentially identify an individual and that information is maintained or transmitted in any form. Exceptions permitted to this rule include individual consents or authorizations and certain public health or public policy goals. Because of the privacy provisions of HIPAA, many health care providers may be reluctant or refuse to make PHI available to law enforcement, even if it is sought to aid in a missing person investigation.*

## Missing Persons Databases

**NCIC:** When a report is taken and fits the criterion, your missing person is entered into the National Crime Information Center (NCIC). The FBI manages NCIC. Currently the FBI has no database dedicated only to missing adults.

**Maryland State Police:** The Maryland State Police houses the Missing Children Clearinghouse (Maryland Center for Missing Children). The Missing Children Clearinghouse serves as a clearinghouse on all Maryland missing children, and adults up to 21 years old.

**The National Center for Missing Children:** ,  
[www.missingkids.com](http://www.missingkids.com) The National Center tracks missing children's case throughout the United States.

**The National Center for Missing Adults:** 1-800-690-FIND,  
[www.nmco.org](http://www.nmco.org) The National Center tracks **only** the missing adults that are referred directly to them.

## METHODS OF IDENTIFICATION

*Obviously the worst case scenario involving a missing person is that they will be found deceased. If a body is located that fits a criteria of your missing person, you may be asked to come to the Baltimore Medical Examiner's Office and look at pictures of the deceased. Or you may be asked to provide dental information or physician information.*

*If the body is found without identification or decomposition has rendered visual identification impossible, the medical examiner or coroner will list the individual as "unidentified." The ability to identify the unidentified is dependent on information obtained from friends and family. But there are several tests available to aid in the identification.*

- A. Dentals** - A fast and reliable method of positive identification provided the recovered remains include dentition. If x-rays are not available, provide information regarding any records from the dentist including dental casts, charting, or photographs. Maryland has a network of volunteer forensic dentists in each county who can assist in getting dental records.
- B. Fingerprints:** Only useful if the missing person was printed while alive and fingerprints can be obtained from the unidentified body. If the missing person was not officially printed while alive, retain any object belonging to the missing person that might contain fingerprints.

- C. **Body x-rays:** Positive identification is possible by comparing x-rays of ANY PART of the body. Find out if the missing person has ever visited a hospital or had any x-rays taken. This includes a CAT scan (often taken in cases of suspected head injury). Keep in mind that hospitals and physicians usually only retain x-rays seven years. If the missing person had x-rays close to seven-year prior, it becomes critical to secure those x-rays and prevent their destruction. DO NOT wait until an unidentified body is found, as it might be too late.
- D. **DNA.** The advantages of DNA comparison for identification purposes is that often (although not always) DNA can be obtained from only partial remains. The main disadvantage is that, contrary to what is often portrayed on television, testing DNA remains time and cost prohibitive. It is often a method of last resort in the identification process. Do not assume DNA is the answer. When comparing unidentified remains to the DNA of suspected family members, for example, the results are often not statistically strong enough to provide a positive identification. The best opportunity for positive identification by DNA is to compare the DNA of Unidentified remains to the DNA of the missing person. It is therefore critical to preserve any source of missing person DNA (hairbrush, tooth brush, razor). Find out if the missing person has had any medical tests recently that might provide sources of DNA (blood tests, Pap smear, blood donation) and work to secure those samples.
- E. **Other useful information for identification or exclusion**
1. Photos: A photo of the missing person smiling allows comparison of the front teeth and a straight-on photo of the head allows superimposition with a skull.
  2. Scars, marks, tattoos: Provide a description, and picture if possible, of any unique body markings, tattoos, or scars. If the missing person is a female, has she had any children? If the missing person is a male, is he circumcised?
  3. Missing organs/appendages: Report any removed organs (appendectomy, hysterectomy) or missing fingers/toes.

# RESOURCES: bolded if Maryland based or has Maryland chapters

Organization	Description	Contact
Alzheimer's Association		1-800-272-3900
Carol Sund-Carrington Foundation	California-based missing person advocates	<a href="http://www.carolesundfoundation.com">www.carolesundfoundation.com</a>
<b>Doe Network</b>	<b>Cold-case missing persons / unidentified persons</b>	<b><a href="http://www.doenetwork.org">www.doenetwork.org</a> 301.515.3353</b>
Family and Friends of Missing Persons and Violent Crime Victims	<i>Washington state</i> based missing persons advocates	1-800-346-7555 <a href="http://www.fnfvvcv.org">www.fnfvvcv.org</a>
Family of Missing Loved Ones		<a href="http://www.fomlo.homestead.com">www.fomlo.homestead.com</a>
<b>Forensic Dentist</b>	Dr. Tewes	410.706.7047 <a href="mailto:wtewes@umaryland.edu">wtewes@umaryland.edu</a>
<b>Good Knight Castle</b>	Child safety	<a href="http://www.goodknight.org">www.goodknight.org</a>
HIPS (Helping Individual Prostitutes Survive)		<a href="http://www.hips.org">www.hips.org</a>
<b>Kids Defense Team</b>	Pedophile watch Maryland	
<b>Maryland Center for Missing Children</b>		<a href="http://ccu.mdsp.org/mcmc.htm">http://ccu.mdsp.org/mcmc.htm</a>
<b>Maryland Crime Victim Resources</b> <i>formerly Stephanie Roper Foundation</i>		Rockville, Maryland <a href="http://www.stephanieroper.org">www.stephanieroper.org</a>
<b>Maryland Missing Persons</b>	Advocacy for missing, unidentified cases	<b><a href="http://www.marylandmissing.com">www.marylandmissing.com</a> 301.515.3353</b>
<b>Maryland State Police</b>		
<b>Maryland Victims Rights Foundation</b>		<a href="http://www.victimrights.net">www.victimrights.net</a>
<b>Mental Illness Association of Maryland</b>		
<b>Missing and Exploited Children's Association of Maryland</b>	Advocacy for missing children	<a href="http://www.mecamd.com">www.mecamd.com</a>
National Center for Missing Adults	Advocacy for missing adults	1-800-690-FIND <a href="http://www.nmco.org">www.nmco.org</a>
National Center for Missing and Exploited Children	Advocacy for missing children	1-800-THE-LOST <a href="http://www.missingkids.com">www.missingkids.com</a> Alexandria, Virginia
<b>Office of the Chief</b>		<b>Xxx Street, Baltimore Maryland</b>

<b>Medical Examiner's</b>		<a href="http://dhmh.state.md.us/ocme">http://dhmh.state.md.us/ocme</a>
<b>Operation Lookout</b>		1-800-782-SEEK <a href="http://www.operationlookout.org">www.operationlookout.org</a>
<b>Outpost For Hope</b>	Advocacy for missing persons with addictions, mental illness	1-800-698-7728 California <a href="http://www.hope4themissing.org/">www.hope4themissing.org/</a>
<b>Parents of Murdered Children</b>	<b>Support for families of murder victims</b>	<a href="http://www.pomc.org">www.pomc.org</a>
<b>Polly Klass Foundation</b>	California based Advocacy for missing children	California
<b>Rachel Foundation</b>	Parental abductions	Texas <a href="http://www.rachelfoundation.org">www.rachelfoundation.org</a>
<b>Runaway care – Ocean City</b>		
<b>Salvation Army</b>	Reconnects the homeless	
<b>Sex Offender Registry</b>		<a href="http://www.dpscs.state.md.us/sor/">http://www.dpscs.state.md.us/sor/</a>
<b>Shelters</b>		<a href="http://www.4homeless.hypermart.net/shelters.html#Maryland">www.4homeless.hypermart.net/shelters.html#Maryland</a>
<b>Social Security</b>		1-800-772-1212
<b>Suicide Hotline</b>		
<b>Team Hope</b>		<a href="http://www.teamhope.org">www.teamhope.org</a>
<b>The Center for Hope</b>		New York
<b>Vanished Children Alliance</b>		
<b>Yana Place</b>	Prostitute outreach	Baltimore based <a href="http://www.yanaplace.com">www.yanaplace.com</a>

**104th Congress  
PUBLIC LAW 104-191**

**AUG. 21, 1996**

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY  
ACT OF 1996**

<http://www.hhs.gov/ocr/regtext.html>

**Code of Federal Regulations 45**

**Subpart C - Compliance and Enforcement**

**§ 164.512 Uses and disclosures for which consent, an  
authorization, or opportunity to agree or object is not required.**

**HIPAA Exception for Law Enforcement**

**45 CFR 164.512 (f)**

(f) Standard: disclosures for law enforcement purposes.

(3) Permitted disclosure: victims of a crime.

a covered entity may disclose protected health information in response to a law enforcement official's request for such information about an individual who is or is suspected to be a victim of a crime

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2430 Session of  
2004

INTRODUCED BY BENNINGHOFF, HARPER, ARGALL, ARMSTRONG, CORRIGAN,  
CREIGHTON, DENLINGER, DeWEESE, EGOLF, FABRIZIO, GILLESPIE,  
HERSHEY, HUTCHINSON, KELLER, McILHATTAN, R. MILLER, MYERS,  
O'BRIEN, SCAVELLO, SOLOBAY, THOMAS, TIGUE, WILT, MILLARD,  
GERGELY AND BLAUM, MARCH 16, 2004

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 24, 2004

## AN ACT

1 Amending the act of June 29, 1953 (P.L.304, No.66), entitled "An  
2 act providing for the administration of a statewide system of  
3 vital statistics; prescribing the functions of the State  
4 Department of Health, the State Advisory Health Board and  
5 local registrars; imposing duties upon coroners,  
6 prothonotaries, clerks of orphans' court, physicians,  
7 midwives and other persons; requiring reports and  
8 certificates for the registration of vital statistics;  
9 regulating the disposition of dead bodies; limiting the  
10 disclosure of records; prescribing the sufficiency of vital  
11 statistics records as evidence; prescribing fees and  
12 penalties; and revising and consolidating the laws relating  
13 thereto," providing for unidentified dead bodies and fetal  
14 remains.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. The act of June 29, 1953 (P.L.304, No.66), known  
18 as the Vital Statistics Law of 1953, is amended by adding a  
19 section to read:

20 Section 506.1. Death and Fetal Death Registration:

21 Unidentified Dead Bodies and Fetal Remains.--(a)

22 Notwithstanding any other provision of law to the contrary, no



1 certificate of death or fetal death shall be issued in this  
2 Commonwealth if the body or fetal remains have not been  
3 positively identified unless the person issuing the certificate  
4 of death first obtains a DNA sample and submits the same to the  
5 Pennsylvania State Police for storage, ~~forensic DNA analysis and~~ <—  
6 FOR FORENSIC DNA ANALYSIS, INCLUDING NUCLEAR AND MITOCHONDRIAL <—  
7 DNA TYPING, AND FOR inclusion in any appropriate DNA database,  
8 in accordance with established Pennsylvania State Police  
9 policies and procedures. A person submitting a DNA sample to the  
10 Pennsylvania State Police pursuant to this section shall  
11 immediately notify the Pennsylvania State Police when any  
12 previously unidentified body or fetal remains is positively  
13 identified. The Pennsylvania State Police shall immediately  
14 notify the person submitting a DNA sample pursuant to this  
15 section when any identification is made following submission of  
16 the sample. The Pennsylvania State Police shall not charge any  
17 fees for receiving, storing or analyzing a DNA sample submitted  
18 pursuant to this section. The Pennsylvania State Police shall  
19 establish policies and procedures to implement the requirements  
20 of this section.

21 (B) THIS SECTION DOES NOT: <—

22 (1) RELIEVE A CORONER OR MEDICAL EXAMINER OF THE  
23 REQUIREMENTS OF 18 PA.C.S. § 2908(A.1) (RELATING TO MISSING  
24 CHILDREN); OR

25 (2) AUTHORIZE A CORONER OR MEDICAL EXAMINER TO DISPENSE WITH  
26 NORMAL INVESTIGATIVE PROCEDURES TO DETERMINE THE IDENTITY OF A  
27 BODY OR FETAL REMAINS.

28 ~~(b)~~ (C) As used in this section, the following words and <—  
29 phrases shall have the meanings given to them in this subsection  
30 unless the context clearly indicates otherwise:

1     "DNA" means deoxyribonucleic acid. DNA is located in the  
2     cells and provides an individual's personal genetic blueprint.  
3     DNA encodes genetic information that is the basis of human  
4     heredity and forensic identification.

5     "DNA sample" means a blood, SKELETAL or tissue sample     <—  
6     obtained by a coroner or medical examiner from an unidentified  
7     dead body or from fetal remains as required by this section for  
8     analysis or storage, or both.

9     Section 2. This act shall take effect in 60 days.

## CHAPTER 822

An act to add Title 12.5 (commencing with Section 14250) to Part 4 of, and to repeal Section 14251 of, the Penal Code, relating to DNA.

[Approved by Governor September 28, 2000. Filed  
with Secretary of State September 28, 2000.]

## LEGISLATIVE COUNSEL'S DIGEST

SB 1818, Speier. DNA data base.

Existing law establishes the DNA and Forensic Identification Data Base and Data Bank and requires the Department of Justice to be responsible for the management and administration of the data base and data bank identification program. The program includes DNA samples for offenders of specified sex offenses and violent felonies.

This bill would require the Department of Justice to develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined, and to match and compare samples of recovered unidentified deceased persons with those of reported missing persons. The data base would be comprised of DNA data from genetic markers that are appropriate solely for human identification but have no capability to predict biological function. The department would be required to compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from the parents or appropriate relatives of high-risk missing persons, and then to return the evidence to the local coroner after taking a sample of the remains for DNA analysis.

The bill would require the responsible investigating law enforcement agency to inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing and may collect a DNA sample from a personal article of the missing person if available. The investigating agency may not wait any longer than 30 days after a report is made of a missing person under high-risk circumstances to inform the parents or relatives of their right to give a sample. All samples and DNA extracted from a living person would be required to be destroyed after a positive identification is made and a report issued. The bill would make all DNA samples confidential and would authorize disclosure only to specified persons for the purpose of investigating and prosecuting crime. The bill would impose a \$2 fee increase on death certificates issued by local government agencies or the state to fund the "Missing Persons DNA Data Base," to remain in effect until January 1, 2006, or until federal funding for the operation of the data base becomes available before

that date. The bill would provide that the provisions of the bill relating to funding would remain in effect only until January 1, 2006, and as of that date would be repealed, unless a later enacted statute, enacted before January 1, 2006, deletes or extends that date. The death certificate fee increase would begin on and the funds would be directed to the Missing Persons DNA Data Base Fund beginning on January 1, 2001. The funding for the first year would be used to develop the data base and laboratory infrastructure and the department's protocols and personnel. The department would be required to begin case analysis in 2002. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Additionally, this bill would make persons who collect, process or store DNA or samples used for DNA testing, as specified, and who violate the provisions of the bill relating to disposal or confidentiality, liable to the DNA donor for civil damages of \$5,000 plus attorney's fees and costs. This bill also would make it a misdemeanor for a person who collects, processes, or stores DNA or samples used for DNA testing to violate the disposal and confidentiality requirements, punishable by imprisonment in a county jail. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares the following:

(a) That unidentified remains and unsolved missing persons cases constitute a critical problem for law enforcement and victims' families in the State of California.

(b) Hundreds of people, both children and adults, vanish each year under suspicious circumstances, and their cases remain unsolved. Meanwhile, coroners retain dozens of remains each year that cannot be identified. Families of missing persons must live with no sense of closure, even though their loved one may have already been found.

(c) The Legislature finds that new technology can play an invaluable role in identifying these remains through deoxyribonucleic acid (DNA) analysis.

(d) In order to identify these remains and bring closure to missing persons cases, the Legislature enacts the "Missing Persons DNA Data Base." This data base shall be used to identify remains and to locate missing persons. The intention of this data base is to identify remains to bring closure to the families of missing persons.

SEC. 2. Title 12.5 (commencing with Section 14250) is added to Part 4 of the Penal Code, to read:

#### TITLE 12.5. DNA

14250. (a) (1) The Department of Justice shall develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person.

(2) The data base required in paragraph (1) shall be comprised of DNA data from genetic markers that are appropriate for human identification, but have no capability to predict biological function. These markers shall be selected by the department and may change as the technology for DNA typing progresses. The results of DNA typing shall be compatible with and uploaded into the CODIS DNA data base established by the Federal Bureau of Investigation. The sole purpose of this data base shall be to identify missing persons and shall be kept separate from the data base established under Chapter 6 (commencing with Section 295) of Title 9 of Part 1.

(3) The Department of Justice shall compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons.

(4) For the purpose of this data base, "high-risk missing person" means a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency.

(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c) (1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the

Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.

(2) After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample.

(3) The Department of Justice shall develop a standard release form that authorizes a mother, father, or other relative to voluntarily provide the sample. The release shall explain that DNA is to be used only for the purpose of identifying the missing person. No incentive or coercion shall be used to compel a parent or relative to provide a sample.

(4) The Department of Justice shall develop a model kit that law enforcement shall use when taking samples from parents and relatives.

(5) Before submitting the sample to the department for analysis, law enforcement shall reverify the status of the missing person. After 30 days has elapsed from the date the report was filed, law enforcement shall send the sample to the department for DNA testing and inclusion in the DNA data base, with a copy of the crime report, and any supplemental information.

(6) All samples and DNA extracted from a living person shall be destroyed after a positive identification is made and a report is issued.

(d) All DNA samples shall be confidential and shall only be disclosed to personnel of the Department of Justice, law enforcement officers, coroners, medical examiners, and district attorneys, except that a law enforcement officer may notify a victim's family to disclose whether or not a match has occurred.

(e) (1) A person who collects, processes, or stores DNA or samples from a living person used for DNA testing under this section, who intentionally violates paragraph (6) of subdivision (c) or subdivision (d) is guilty of a misdemeanor punishable by imprisonment in a county jail.

(2) A person who collects, processes, or stores DNA from a living person or samples from a living person used for DNA testing under this section, who intentionally violates paragraph (6) of subdivision (c) or subdivision (d) is liable in civil damages to the donor of the

DNA in the amount of five thousand dollars (\$5,000) for each violation, plus attorney's fees and costs.

14251. (a) The "Missing Persons DNA Data Base" shall be funded by a two dollar (\$2) fee increase on death certificates issued by a local government agency or by the State of California. The issuing agencies may retain up to 5 percent of the funds from the fee increase for administrative costs. This fee increase shall remain in effect only until January 1, 2006, or when federal funding for operation of the data base becomes available if it becomes available before that date.

(b) Funds shall be directed on a quarterly basis to the "Missing Persons DNA Data Base Fund," hereby established, to be administered by the department for establishing and maintaining laboratory infrastructure, DNA sample storage, DNA analysis, and labor costs for cases of missing persons and unidentified remains. Funds may also be distributed by the department to various counties for the purposes of pathology and exhumation as the department deems necessary. The department may also use those funds to publicize the data base for the purpose of contacting parents and relatives so that they may provide a DNA sample for training law enforcement officials about the data base and DNA sampling and for outreach.

(c) The department shall create an advisory committee, comprised of coroners and appropriate law enforcement officials, and interested stakeholders to prioritize the identification of the backlog of unidentified remains. The identification of the backlog may be outsourced to other laboratories at the department's discretion.

(d) (1) The death certificate fee increase shall begin and funds shall be directed to the Missing Persons DNA Data Base Fund beginning January 1, 2001. Funding for year one shall be used to develop the data base and laboratory infrastructure, and to establish Department of Justice protocols and personnel.

(2) The Department of Justice shall begin case analysis in 2002. The Department of Justice shall retain the authority to prioritize case analysis, giving priority to those cases involving children.

(3) If federal funding is made available, it shall be used to assist in the identification of the backlog of high-risk missing person cases and long-term unidentified remains.

(4) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction,

within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



PRINTER'S NO. 3198

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

## No. 2298 Session of 2004

INTRODUCED BY BENNINGHOFF, BELFANTI, CREIGHTON, DeWEESE,  
FREEMAN, GOOD, HARRIS, HENNESSEY, HUTCHINSON, LEACH, PICKETT,  
PISTELLA, ROBERTS, SAYLOR, SCAVELLO, WILT AND CIVERA,  
JANUARY 26, 2004

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
JANUARY 26, 2004

## AN ACT

1 Relating to the permanent identification labeling of dentures.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Definitions.

5 The following words and phrases when used in this act shall  
6 have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Rebasing." The complete replacement of all the pink tissue  
9 portion of a removable full or partial denture.

10 Section 2. Permanent marking.

11 (a) General rule.--Every complete upper and lower denture,  
12 removable partial dental prosthesis and removable acrylic  
13 orthodontic appliance fabricated by a dentist licensed in this  
14 Commonwealth or fabricated pursuant to the dentist's work order  
15 or under the dentist's direction or supervision shall be marked  
16 with the name of the patient for whom the denture is intended.  
1 The markings shall be done during the fabrication and shall be  
2 permanent, legible and cosmetically acceptable. The dentist or  
3 the dental laboratory fabricating the upper and lower denture,  
4 removable partial dental prosthesis or removable acrylic  
5 orthodontic appliance shall determine the exact location of the  
6 markings and the methods used to apply or implant them.

7 (b) Exceptions.--

8 (1) If, in the professional judgment of the dentist or  
9 the dental laboratory, this identification is not practical  
10 because the name cannot be placed in an obscure area,  
11 identification may be shown with the initials of the patient.

12 (2) If in the professional judgment of the dentist or  
13 the dental laboratory during manufacture or repair of the  
14 denture it is determined that the forms of identification  
15 identified above are not safe for the patient, the  
16 identification requirement established by subsection (a) is  
17 waived.

18 (3) Full or removable dentures that are relined are not  
19 subject to the identification requirement established by  
20 subsection (a).

21 Section 3. Subsequent marking.

22 Any removable upper and lower denture, removable partial  
23 dental prosthesis or removable acrylic orthodontic appliance in  
24 existence before the effective date of this section that was not  
25 marked in accordance with section 1 at the time of its  
26 fabrication shall be marked at the time of any subsequent  
27 rebasing.

28 Section 4. Patient's exemption.

29 If the patient or legal guardian for the patient shall for  
30 reason of privacy or personal wishes refuse to have any upper  
20040H2298B3198 - 2 -

1 and lower denture, removable partial dental prosthesis or  
2 removable acrylic orthodontic appliance covered under this act  
3 to be labeled, a signed and dated copy of a release to the  
4 effect shall accompany the denture to the laboratory fabricating  
5 the denture. The original signed and dated release shall be kept  
6 in the patient's dental record.

7 Section 5. Effective date.

8 This act shall take effect in 60 days.

L2L35JS/20040H2298B3198

- 3 -

## ***Attachment 4***

### ***A Child is Missing Alert***

Sue McNamee

1



## A CHILD IS MISSING ALERT

### A National Organization



#### WHAT WE DO:

ist law enforcement in the search and early recovery of missing children, the elderly (often with Alzheimer's), college students, individuals in a coma and the disabled in the first hours of their disappearance.

#### HOW WE DO IT:

Child Is Missing Alert (ACIM) program uses a high technology **telephone alert system** to canvas a neighborhood with personalized phone messages, describing the missing person and asking anyone with leads to call the police (at the local number given). Computer mapping and satellite imagery help determine the calling area. ACIM alert program can place 10 calls in 60 seconds. ACIM technicians are on call **24/7, 365**. The **alert calls are placed within 15 minutes** after being received a call from the police asking for assistance. To date **9,000 requests** for assistance have been received, resulting in nearly **9 million alert phone calls** placed.

#### WHY WE DO IT:

Everyday nearly **3,000 children and elderly are reported missing**. A program was needed to notify a community that a child was missing and last seen in their neighborhood. Because of the need, A Child Is Missing Alert (ACIM) program was founded in 1997.

#### WHAT DOES IT COST?

The program is **FREE** to law enforcement. The program is funded by federal and state grants, corporate and private donations and fundraising activities.

#### WHAT STATES ARE CURRENTLY PARTICIPATING?

In addition to our present coverage, this program will be available to all 50 states in the first quarter of 2005. If you have any questions about availability of service, please call.

#### OTHER USES FOR THIS PROGRAM

The most common use of this program is to help find a **missing child, elderly** (often with Alzheimer's) and the disabled. However, the program can also be used in the same way to locate a **parent or guardian** of a child and individual that may be injured, unconscious, or disabled and unable to communicate adequately. The program is also used to notify neighborhoods that a **Sexual Offender/Predator** is living within a designated radius of their residence. State law requirements vary. Other crime-related incidents involving children.

#### IS THIS PROGRAM THE SAME AS THE AMBER ALERT?

Child Is Missing Alert can be activated within 15 minutes from receiving a call from law enforcement. ACIM is used to find any missing person: children up to 18 years, elderly that are disabled or suffering from Alzheimer's, injured or unconscious. The Amber Alert is designed to aid in the search of abducted children (younger than 18) when it is presumed that their life is in danger.

11/04



**Every 40 seconds a child is reported missing in the U.S.**

**1,000 telephone alert calls placed in 60 seconds can help save a life.**

Since 1997, A Child Is Missing has been providing law enforcement with its first responder program. ACIM's rapid response telephone system alerts residents in a targeted area about a missing child, elderly person (suffering from Alzheimer's), and mentally challenged or disabled individual. This program is available to all 50 states. We are currently established in FL, RI, AK, OH, GA, NV, IN, OK, MI, WV, AL, MA, NH, ME, VT, TN, UT, TX, SC, IL, CA, PA, and WA.

The A Child Is Missing program is given to law enforcement at **no cost**. Financial support is obtained through state and federal funding, grants, fundraisers, sponsors and optional donations from law enforcement.

Only law enforcement can activate the program.

**It works like this: An officer calls A Child Is Missing, operating 24/7-365, providing pertinent information about the missing person, including description, clothes worn, and time/place last seen.**

An ACIM technician records an individual alert message, which is phoned out to the area where the child was last seen. With its high-tech telephony, A Child Is Missing can place up to 1,000 calls in 60 seconds. There is a 98 percent listen rate by residents or businesses answering phones. Call recipients are asked to call police with any information they have about the missing person.

Since 1997, A Child Is Missing has received more than 10,000 calls for assistance from law enforcement and has placed over 11 million alert calls to residents.

***A Child Is Missing works in concert with Amber Alert and all child safety programs.***

***ACIM is the only program of its kind in the country.***

***The ACIM program should not be confused with the Amber Alert, which is designed for stranger abductions, geographically removed from area of disappearance.***

**ACIM has very few restrictions and can be activated by one simple phone call.**

**Law enforcement needs no special equipment or personnel to activate ACIM**

***In the past 38 (04/19/05) months, law enforcement has credited ACIM with 91 successful recoveries. The case follow-up sheets have documented this. The average recovery time has been 90 minutes from placing alert calls.***

ACIM stands ready 24/7, 365 days to assist law enforcement agencies large and small, in the search/early recovery procedure.

Please visit the A Child Is Missing website: [www.achildissing.org](http://www.achildissing.org),

**How the program works**

Parent → 911 (Police) ACIM → Phone Calls to Residents → Leads back to SO/PD's  
4/05

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500 S.E. 17th Street #101  
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888-US5-ACIM  
Fax: 954-763-4569  
[www.AChildIsMissing.org](http://www.AChildIsMissing.org)  
[info@AChildIsMissing.org](mailto:info@AChildIsMissing.org)



## MOST FREQUENTLY ASKED QUESTIONS



3

**How does the program work?** Law enforcement calls ACIM, with description and location where the person was last seen. That information is loaded into the computer and the calling area is determined. An individually recorded message is then phoned to the area. Best results are within the first two hours of disappearance, but can be successful if elapsed time is longer.

**Who activates the program?** Only law enforcement activates the program. If private individuals call, ACIM checks with the local police department to see if the case is legitimate.

**Who is the program primarily used for?** Children up to the age of 18, who are lost, wander away, run away or abducted. Mentally/physically challenged, elderly (Alzheimer's), missing college students & in a coma. Crimes involving a child.

**Who pays for the program?** The program is free to law enforcement. Funding comes from corporations, foundations, individuals, grants, fund-raising events, federal and state funding, and forfeiture funds.

**Calling Hours:** 24/7, 365 days. Calls are made between 7:00 a.m. and 9:00 p.m. unless there are extenuating circumstances. Law enforcement determines if calls are to be made after 10:00 p.m.

**Where do you get your database?** Our service provider provides the database. The phone numbers are updated quarterly. We don't have unlisted numbers. Unlisted and cell phone numbers can be registered at our website.

**How long has ACIM been serving law enforcement?** Since January 1997.

**What is the tax designation of A CHILD IS MISSING?** Registered as a 501 (c)(3) not-for-profit organization.

**Does a law enforcement agency need additional phone lines or a person assigned to the program?** NO.

**What is needed to use the "missing" program?** A letter from the chief/sheriff stating you wish to participate in the program is requested. If an agency has a missing case and has not yet sent in a letter of participation, they can still activate the program.

**To use the Sexual Predator Program?** A letter of authorization stating that ACIM is designated as a registered agent for the agency if your state laws allow for such notifications on sexual predators. No case will be done without a written letter of authorization on file and follow the proper procedures.

**Video Tape use:** Training Sessions, Community Meetings & Media. There are no restrictions.

**When & where are training sessions held?** ACIM tries to accommodate multiple agencies in the sessions to maximize coverage. Single agency sessions are scheduled at the convenience of the agency and ACIM. One-on-one phone sessions with Field Training Officers are available.

**Who attends training sessions?** Sheriffs, Chiefs, Officers/Deputies, PIO's, communications, detectives, rescue teams

**Can a law enforcement agency, which has not had training use the program?** Yes. If your agency has not had training and you have a missing case you can call for help. However, to utilize the sexual predator alert, a letter of designation must be on file.

**How often should agencies show the training video?** At least twice a year at roll call.

**Can messages be created in multiple languages?** Yes.

**Can more than one case be processed at a time?** Yes.

**Is there an 800 / toll-free number for calling into ACIM?** Yes, 888-US5-ACIM (875-2246)

**If for some reason you can't get through on the 888 Number?** Call the pager 954-492-4778.

**Who records the message?** ACIM technicians record the message that goes out to the public. All replies are directed back to the agency at the number provided by the reporting officer.

**Does ACIM active the Amber Alert?** ACIM does not activate the Amber Alert. They work in tandem with the program.

**Does ACIM contact the Media?** No, your public information officer would do this.

## SAMPLE LETTER OF PARTICIPATION

Dear Ms. Friedlander:

The \_\_\_\_\_ Sheriff's Office/Police Department agrees to use "A Child Is Missing" network as a tool in recovery of missing children, the elderly (Alzheimer), and the disabled.

It is my understanding that your program is a rapid-response communication network, which will provide dissemination of information when a call is received from the officer in charge of the case presently in progress. The officer will call "A Child Is Missing" as soon as the officer has the appropriate information about the missing child, elderly, or disabled person. I understand this can be accomplished by phone. Law Enforcement will identify a geographic area as to where the search should begin. It is also my understanding that training for our members will be provided by "A Child Is Missing" or a representative of ACIM.

This document will be on going year after year unless otherwise cancelled by either party.

We also are requesting your assistance in the telephone notification for sexual predators. The \_\_\_\_\_ Sheriff's Office/Police Department wishes to designate "A Child Is Missing" as an official agent, to deliver notification messages via phone lines in regard to the residential movement of sexual predators. All materials will be filled out and returned to ACIM before the notification is activated.

Sincerely,

XXXXXXXXXXXX  
Sheriff/Chief



**SAMPLE**

5

## FOR YOUR AGENCY USE ONLY

### Standard Operating Procedure for A Child Is Missing

#### 1. Purpose

The purpose of this General Order is to establish an orderly and uniform process for the use of A CHILD IS MISSING program.

#### II. POLICY

The first several hours after a child, elderly or disabled person is reported missing can be critical to the successful outcome of the case. A CHILD IS MISSING (ACIM) is a valuable tool for law enforcement if used properly. ACIM provides timely information to the public about the missing person. ACIM will generate telephone calls to local residents and businesses after initiation by law enforcement.

It is the policy of the \_\_\_\_\_ Office/Department to utilize ACIM only for missing children, elderly and disabled persons whenever the criteria of the following procedures are met.

ACIM is an additional tool for law enforcement. It does not replace or preclude a thorough investigation and /or search by law enforcement officers in the field.

#### A. Missing Persons

1. Whenever a deputy/officer receives a report of a missing person, the case will be investigated without delay.
2. If the missing person is a child (2-16), an elderly person (with Alzheimer's) or a disabled person (in danger) the investigating deputy may immediately notify ACIM.
3. All other circumstances would need approval for the use of ACIM.

#### B. Factors for determining the use of ACIM

##### 1. Juveniles:

- a. The juvenile should be 18 years or younger (age depends on state regulations).
- b. The reporting person must be an adult family member, teacher, or another adult who is responsible for the child.
- c. All runaway children
- d. Stranger abduction prior to calling the Amber Alert.
- e. College Students



2. Senior Citizens:

- a. The person must be sixty-five (65) years of age or older unless the person has Alzheimer's.
- b. Being missing must be out-of-character for the elderly person.
- c. ACIM will be used even if an elderly person is a frequent walk-away from a nursing facility.

3. Disabled Person:

- a. There is no age stipulation for a disabled person.
- b. Caution must be used when determining whether a person is truly disabled. There are many definitions of a disabled person. For purposes of the guideline, a disabled person will fall into one of the following categories:
  - 1. The person has a physical or mental impairment that severely limits self-care.
  - 2. The person is disoriented or unable to respond to simple questions regarding personal information such as name and address.
  - 3. The person is dependent upon life sustaining medication.
  - 4. The approving supervisor may take into account other circumstances that may influence using ACIM even if the person is a habitual runaway or walk-away. Examples of these circumstances are: suspected foul play, imminent severe weather, etc.

C. Using ACIM

- 1. When the decision to use ACIM has been made, the investigating deputy will immediately call ACIM 24/7, 365.
- 2. While the deputy/officer is completing the search, the approving supervisor will determine what phone number will be supplied to ACIM for the public to contact the department with information about the missing person. The Communications Center's phone number is generally given. Contact the Communications Center to make them aware that ACIM will be working on the case with the deputy/officer.
- 3. The investigating deputy will call ACIM at 1-888-875-ACIM (2246) or page the operator at 1-954-492-4778

4. (Any forms that your department needs for reporting purposes should be inserted here.)

D. Investigating information received from ACIM.

1. Information received from a citizen concerning the missing person or a possible sighting of the missing will be relayed to the supervisor in charge of the case. After evaluation, the supervisor, detective or officer will take the appropriate action.
2. If a sighting of the missing person is confirmed, the supervisor may want to consider using ACIM again. The second telephone alert would use the most recent know location in the notification of residents. This is particularly important if the sighting location is in a different ZIP Code than the original report.
3. If ACIM is used more than once in the same case, there is no need to fill out additional paper work. A notation of each instance will be written on the existing report. The notation will include each subsequent use by date and time and the location the missing person was last seen.

E. Follow up Investigation

1. If the missing person is found, the supervisor/officer on the scene will call ACIM. A Case Follow Up Report will be faxed to the office/department and the officer/supervisor in charge of the case will fill out the outcome and fax it back to ACIM. (954-763-4569) This report will be sent through channels to be included with the original NIBRS report. (Whatever you require.)
2. If the missing person is not found in twenty-four (24) hours, the supervisor may pass the case on to the next shift and make them aware that ACIM is working with them. If additional calls are necessary, ACIM will know what areas have been called and can assist the deputy/officer in further searches.

SOP prepared by A Child Is Missing  
5-12-2004

Reference CALEA Standard Manual Chapter 41.2.6  
A Child Is Missing

For copies of this document:

Email

[ClaudiaC@achildismissing.org](mailto:ClaudiaC@achildismissing.org)

Call - 954 763-1288



## Selected Success Stories



Since inception, A Child Is Missing Alert has responded to over 9,000 calls for assistance from law enforcement, generating nearly 9 million phone calls to residents alerting them to an endangered missing person. The cases where ACIM has mobilized communities to help look for a missing child, elderly (often with Alzheimer's) or mentally/physically disabled person are too numerous to list. Following is a sampling of cases, many of which generated media coverage.

1. Broward County, FL – Plantation Police Dept. Two boys, about 9 years old, left home and walked to a neighboring community. Through phone calls, the police were able to locate the boys, who had been sighted along the way.
2. Dade County, FL – Miami Beach Police Dept. On Thanksgiving Eve a 9-year-old boy decided to stay at a friend's house without telling his mother. Police called ACIM the next morning and calls went out. Within 20 minutes police found the child walking down the street.
3. Dade County, FL– Miami Beach Police Dept. A boy who had not come home from school was reported missing at 5:30 pm. Approximately 20 minutes after the calls were made, the child was found on the street by police.
4. Broward County, FL – Hollywood Police Dept. An elderly person was missing from a nursing home around 8:30 a.m. His disappearance was not reported until noon. Calls went out for hours. A neighbor reported seeing the man walking around the same street several times and called police. We have had several of these cases with like results.
5. Broward County, FL – Broward Sheriffs Office. A 3-year-old child was abducted from her home on a Sunday morning. Calls began at 9:05 a.m. to the area around the home. People responded and searched for the child. She was found at 10:45 a.m., 10 ½ blocks from her home (in the calling area). We believe the abductor was made aware of the search and released her in a vacant field and a nearby person heard her cry and found her. It is believed that the suspect was later captured after he abducted and raped a 10-year-old in Nov. 2000 in the same area.
6. Leon County, FL– Leon County Sheriffs Office. ACIM assisted in locating a 90-year-old man with Alzheimer's who had been missing since 9 pm the previous night.
7. Volusia County, FL – Volusia County Sheriffs Office. 10-year-old mentally impaired twin boys wandered off without their parents' knowledge. One resident received a call from ACIM and phoned the mother with the information that led the police to the recovery of the boys who were found in the woods.
8. Martin County, FL – Stuart Police Dept. An 18-year-old with the mentality of a five-year-old decided to take a bike ride away from his family. ACIM placed over 1,000 calls and stayed in touch with the police. As the calls came in reporting sightings, the police followed the trail and located the boy.
9. Okeechobee County, FL – Okeechobee Sheriffs Office. ACIM generated the lead that found the parents of a 2-year-old child. The child had been found on the roadway in pajamas, and the Sheriff's office called us for assistance in locating the child's parents.
10. Leon County, FL – Tallahassee Police Dept. The police department requested ACIM's assistance on a case involving a 12-year-old mentally disabled boy who had last been seen at 9:30 pm the previous night. ACIM sent out calls to the area around his home, as well as to a wooded neighborhood south of his home. The police department began receiving calls, and located the boy near the wooded area to the south of his home.
11. Manatee County, FL – Bradenton Police Dept. An 89-year-old resident of an assisted living facility wandered away from the facility. Employees at the facility had searched the building and property extensively before they called the police to report her missing. The police department notified ACIM of the missing elderly woman and calls were sent out to the residences and businesses in the vicinity. One phone call was received by employees of a local furniture store, which led workers to look around and discover the woman sitting in their warehouse, which is located about a quarter-mile from her home.

12. Broward County, FL – Coral Springs Police Dept. An 84-year-old woman with Alzheimer's was reported missing. ACIM sent out over 1200 calls to the community, asking for assistance in locating the woman. An employee at a retail business who had received one of the calls, contacted police alerting them of her whereabouts.
13. Broward County, FL – Pembroke Pines Police Dept. A teenager was struck by a car while crossing a major thoroughfare and was taken to the hospital. He was in a coma and was not carrying any identification. The police department contacted ACIM and relayed the details of the case. ACIM generated over 6,000 calls to the vicinity giving a description of the boy. A resident who received one of the calls recognized the description of the boy and notified his mother of the incident, successfully reuniting him with his family.
14. Lake County, FL – Lake County Sheriffs Office. There had been an attempted abduction of a 12-year-old girl from a school bus stop. The attempt was not successful, but was the third incident of this type in a short period of time. The girl was able to give a detailed description of the vehicle and one of the suspects. The agency relayed this information to us and we generated calls to the area giving the description in an effort to locate the suspects before any harm came to children in the area. The suspects were located on a job site in a nearby town, independent of ACIM calls to the area, but several residents did call the Sheriffs Office to report sightings of the suspects.
15. Kent County, RI – West Warwick Police Dept. A 9-year-old boy got on a bus alone at about 3:30 p.m. Police called ACIM to report the missing boy, giving details including his description and last seen location. ACIM placed over 1,800 calls to the area, resulting in several calls to the police department with leads. One of the leads eventually led to the recovery of the boy who was located at 6:41 p.m. approximately one mile from home.
16. Providence County, RI – Woonsocket Police Dept. A 49-year-old woman with short-term memory loss due to an aneurysm was reported missing. ACIM generated over 2,000 calls to the vicinity. After receiving the recorded phone message, a young girl called her mother at work and told her that the missing person described had spoken with her at approximately 2:15 p.m. The mother called the police department at the number provided in the message, which led to the recovery of the woman at approximately 4:00 p.m. in the neighborhood where she had been seen by the girl.
17. Volusia County, FL – Volusia County Sheriff's Office. A 50-year-old woman with cerebral palsy was reported missing after not returning from an early morning walk. The Sheriff's Office contacted ACIM with the details of the case, and ACIM sent over 2700 calls to residences and businesses in the area. A short time after the calls were placed, someone who received the message called the Sheriff's Office to report where they had seen the woman. The woman was located approximately 2:30 pm, and was taken home after examination by EVAC paramedics.
18. Clermont County, OH – Union Township Police Dept. Training for law enforcement had just gotten underway in Ohio when the Union Township Police Dept received a report of a missing 14-year-old girl. Although Union Township Police Dept had not yet attended training, an officer had seen news coverage of ACIM's program in Ohio, and contacted ACIM to see if they could assist with the case. ACIM generated over 1500 calls to the area, resulting in over 30 calls from residents to report sightings. Many of the residents indicated they were impressed with the service.
19. Polk County, FL – Eagle Lake Police Dept. A 14-year-old girl had been reported missing by her mother. The girl had last been seen at 8:30 in the evening. The Eagle Lake Police Dept contacted ACIM with the details of the case upon receiving the report from the mother. ACIM generated over 1500 calls to the neighborhood the girl had last been seen in as well as her home neighborhood. The police department received several calls from residents who had seen the girl, resulting in her recovery.
20. Providence County, RI – Cranston Police Dept. ACIM received a request to assist in the search for a 13-year-old girl who had run away. ACIM sent out nearly 400 calls to the area. One resident reported that she had seen the girl on the day she ran away. The girl was found the next day at a friend's home.
21. Hamilton County, OH – Cincinnati Police Dept. A 3-year-old girl was found wandering in the parking lot of an apartment building. Police launched a search for the parents/guardians, but as the girl did not know where she lived, police only had her description to work with. ACIM was notified and over 2400 phone calls were sent out. Approximately 30 call recipients called into the police department, but no leads panned out. The case was resolved when the mother called the babysitter to check on the child and her absence was noted. The mother then called police to report the child missing and was linked to the found child. The babysitter had fallen asleep and the child unlocked the door and wandered outside.

22. Washington County, RI – Westerly Police Dept. A 50-year-old mentally disabled man from Mystic, CT had been dropped off at the Westerly Hospital for an appointment. After he failed to show up for the appointment, hospital staff searched the building and grounds for him to no avail. They notified police who placed the call to A Child Is Missing. Over 3000 calls were placed to the neighborhoods surrounding the hospital. A woman who retrieved the message from her answering machine, recalled seeing a man fitting his description on her way home. She contacted the police and relayed the information. After a few minutes on hold, the police told her they had found him. He was almost a mile from the hospital.
23. Putnam County, FL – Palatka Police Dept. A young girl from out of state was visiting the area and went out for a bike ride and did not return. She was reported missing and the Palatka Police Dept. contacted ACIM with her description and time/place last seen. ACIM sent out over 900 calls to the community, generating in excess of 50 calls from residents. The calls were able to place the child in a certain area, and the Police were able to obtain a general direction of travel through the citizen tips. She was found approximately 5 miles away 2 hours later.
24. St. Johns County, FL – St. Augustine Police Dept. A distraught adolescent girl needing medications was reported missing, and the St. Augustine Police contacted ACIM with the details of the case. ACIM generated over 1100 calls to the area last seen, as well as potential areas she could be headed to. The Communications division received at least a dozen calls from concerned citizens, one call leading police to the missing child. She was safely recovered and is getting the help she needs.
25. Dade County, FL – Miami-Dade Police Dept.-Kendall District. An elderly man suffering from Alzheimer's had been reported missing. ACIM was contacted with his description and last seen time/place. Over 4600 calls were sent out during the search effort. One woman who received a call asked her daughter to look around for the man, and the daughter did locate the man. She contacted police with his location and he was successfully recovered.
26. Dade County, FL – Miami-Dade Police Dept. An elderly man had taken his dog for a walk and failed to return. He was reported missing and ACIM was contacted. Over 1200 phone calls were sent out to the area. One call recipient had seen the man with his dog and relayed the information to the police. The detective in charge went to the location reported and was able to recover the man and his dog. The detective was quoted "Could not have found individual without your help. Thanks."
27. Boulder County, CO – Boulder Police Dept. An elderly man suffering slight dementia had been reported missing and ACIM was asked to assist. Over 1900 calls were sent out alerting residents. A woman who had received one of the calls found the man about a half-mile away at a market and called police.
28. Dade County, FL – City of Miami Police Dept. A mentally disabled boy and his family were in town from Orlando for the Calle Ocho Festival. The boy became separated from his family and was reported missing. The City of Miami Police Dept. notified ACIM and over 7600 phone calls were sent out asking for assistance in locating the boy. Two callers provided information that they had seen the boy sitting at a bus stop, which centered the search on area bus stops and bus terminals. The boy was recovered at a bus terminal where he was en route to Orlando.
29. Montgomery County, OH – Montgomery County Sheriff's Office. A 5-year-old boy was reported missing. The Montgomery County Sheriff's Office contacted ACIM with the case details. Over 1500 phone calls were sent out to the area. After receiving one of the calls, a next-door-neighbor checked their home and found the child playing in their house. Apparently he had wandered in without their knowledge and was sitting quietly eating a Popsicle. The sergeant in charge of the case said "The calls helped locate the missing child quickly and saved deputies much time from going door-to-door searching for him. Thanks"
30. Volusia County, FL – Orange City Police Dept. A child was reported missing to ACIM at 5:00am. 585 calls dispatched. Residents in the area answered over half of the calls. Information from those leads lead to the later recovery of the little girl.
31. Dade County, FL – Miami Lakes/Carol City Police. Two boys, ages six and nine were reported missing to ACIM by the Police Dept. ACIM immediately placed 635 calls. The leads generated from this campaign lead to the safe recovery of the two boys.
32. Indian River County, FL – Vero Beach Police Dept. A teenager staying at a hotel on the beach with his family had been reported missing. ACIM sent out over 600 calls to the area. An individual working at another beachside motel received one of the calls. As soon as he hung up the phone, he looked out a window and saw the missing juvenile. He notified police and the boy was returned safely to his parents.

33. Manatee County, FL – City of Bradenton Police Department. The description of the woman was not complete from the department, only that she was walking a 14 pound white dog. After 1379 telephone calls went out, approximately 30 calls came back to the station. A caller notified police with the sighting of a woman in a pink dress walking her white dog. This improved the profile of the missing person. Law enforcement found her on the street walking her dog, not knowing where she was. She was safely returned to her residence in Bradenton.
34. Broward County, FL - Miramar Police Department – An 81-year old elderly woman was reported missing. The Miramar police department sent out aviation, helicopter, and K-9 units in search for the missing woman. The officer on the scene contacted ACIM. ACIM sent out over a thousand phone calls in the immediate vicinity. A caller identified the woman from the ACIM recorded message. It was ACIM's efforts that lead to the safe recovery of the missing person.
35. Polk County, FL – Tallahassee Police Department – A 12-year old boy was reported missing to ACIM two hours after he was last seen. ACIM notified citizens in the area. A neighbor observed a lone child running through the woods while driving home. When she arrived, she received the ACIM recorded message on her answering machine. She contacted the police in her area. As a result, Police found the missing boy shortly afterwards.
36. Wayne County, OH – Wayne County Police Department – "I would like to say 'thank you' for your help with a case on November 16. We requested an alert after it was reported that a 32-year-old mentally disabled female was [announced] missing. We received two calls as a result of the alerts that provided us with solid information in this case. She was located safely, 20 miles from her home."
37. Kent County, RI – Warwick PD – On November 13<sup>th</sup>, 2003 three girls were reported missing at 4:30pm. They were last seen at a football game. ACIM was activated. The officer on duty reported that the alert calls resulted in the following, "Three residents gave descriptions matching the three missing girls and locations observed. The girls were located the following morning. [This is a] great resource for Police. Your notification clearly aided in the investigation. Thanks, on behalf of the parents."
38. Columbus, OH - Columbus Police Department - On December 17th, 2003, a 12-year-old boy was reported missing by Detective Charles Joyce. By pulling up the satellite imagery maps ACIM's technician was able to locate the child at Wendy's in only an hour after the boy was reported missing. Detective Joyce lauded our service and the great participation of the community.
39. Winterhaven, FL - Winterhaven Police Department - On December 14, 2003, a 12-year-old deaf boy was reported missing by Sergeant Jim Jones. ACIM was activated. One of his friends heard the message and knew where the boy was; he was approximately six blocks south of where the incident was reported and was returned safely home. Sergeant Jones commented on the case, "A direct result of your calls sent out yielded to several leads, one that resulted in locating the missing boy. On behalf of this agency, thank you for your assistance and contribution. You provided the necessary tool to stimulate community involvement."
40. Port Orange, FL - Port Orange Police Department - On December 24, 2003, a 75-year-old man with Alzheimer's was reported missing by Sergeant Brodie to ACIM. One citizen had received the call, shortly after saw the man and contacted the police department. The missing man was recovered shortly afterward. Sergeant Brodie commented on the case, "While searching the area we had several citizens come out and say they had received a call and they were checking around their neighborhoods for the missing subject."
41. Jesup, GA - Jesup Police Department - On February 4, 2004, a 4-year-old-girl was reported missing by Corporal Donald Sloan. 36 calls from residents who were able to provide leads to a store approximately ½ mile down the road from her residence. The little girl was safely recovered 35 minutes after the telephone calls went out. Corporal Donald Sloan said, "I think this is one of the best tools we have been given to assist us and has been proven to be on this incident. We just want to thank you for your assistance in a job well done."
42. Pembroke Pines, FL – Pembroke Pines Police Department – On February 11, 2004, a 55-year-old woman was found disoriented and incoherent in a garbage receptacle; she had no identification on her. A Child Is Missing placed 1589 calls to the vicinity giving a detailed description of the woman. Pembroke Pines Police Department received calls from residents who were able to identify her. She was returned home safely. Detective Curtis with the Pembroke Pines Police Department said, "The A Child Is Missing program is a great tool for law enforcement. It helped us greatly."

# ***Attachment 5***

## ***Identifying the Missing: Model State Legislation***





AUGUST 2005

**Identifying the Missing:  
Model State Legislation**

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PRESIDENT'S  
**DNA**  
INITIATIVE



[www.DNA.gov](http://www.DNA.gov)



U.S. Department of Justice  
Office of Justice Programs  
810 Seventh Street N.W.  
Washington, DC 20531

**Alberto R. Gonzales**  
*Attorney General*

**Regina B. Schofield**  
*Assistant Attorney General*

**Sarah V. Hart**  
*Director, National Institute of Justice*

The National Institute of Justice is the research, development, and evaluation agency of the U.S. Department of Justice. NIJ's mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety.

On October 30, 2004, President Bush signed into law the "Justice for All Act of 2004," which establishes enforceable rights for victims of crimes, enhances DNA collection and analysis efforts, provides for postconviction DNA testing, and authorizes grants to improve the quality of representation in State capital cases.

The President's DNA Initiative—Advancing Justice Through DNA Technology—is a 5-year program that directs more than \$1 billion to improve the use of DNA in the criminal justice system. Designed to help Federal, State, and local forensic laboratories in particular, the initiative provides funding, training, and assistance to ensure that DNA technology reaches its full potential to solve crimes, protect the innocent, and identify missing persons.

**Office of Justice Programs**  
Partnerships for Safer Communities  
[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)



# **Identifying the Missing: Model State Legislation**

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AUGUST 2005

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

NCJ 210740

MODEL STATE MISSING PERSONS STATUTE

\*\*\*\*\*

AN ACT relating to improving the ability of law enforcement to locate and return missing persons, to improving the identification of human remains, and to improving timely information and notification to family members of missing persons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF \_\_\_\_\_:

(A) TITLE \_\_\_\_\_, \_\_\_\_\_ CODE, is amended by adding Article XXX to read as follows:

ARTICLE XXX: PROCEDURES FOR LAW ENFORCEMENT OFFICERS, CORONERS/  
MEDICAL EXAMINERS AND OTHER GOVERNMENT PERSONNEL  
RELATING TO MISSING PERSONS REPORTS AND IDENTIFYING UNIDENTIFIED  
PERSONS/HUMAN REMAINS

SEC. XXX.1. MISSING PERSON(S) REPORTS

- (1) REPORT ACCEPTANCE. All law enforcement agencies within the State shall accept without delay any report of a missing person(s). Acceptance of a missing person(s) report may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report on the basis that—
- (A) the missing person(s) is an adult;
  - (B) the circumstances do not indicate foul play;
  - (C) the person(s) has been missing for a short period of time;
  - (D) the person(s) has been missing a long period of time;
  - (E) there is no indication that the missing person(s) was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
  - (F) the circumstances suggest that the disappearance may be voluntary;
  - (G) the person(s) reporting does not have personal knowledge of the facts;

- (H) the reporting individual cannot provide all of the information requested by the law enforcement agency;
  - (I) the reporting person lacks a familial or other relationship with the missing person;
  - (J) or for any other reason.
- (2) MANNER OF REPORTING. All law enforcement agencies shall accept missing person(s) reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.
- (3) CONTENTS OF REPORT. In accepting a report of a missing person(s), the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but not be limited to, the following:
- (A) The name of the missing person(s) (including alternative names used);
  - (B) The date of birth;
  - (C) Identifying marks (such as birthmarks, moles, tattoos, scars, etc.);
  - (D) Height and weight;
  - (E) Gender;
  - (F) Race;
  - (G) Current hair color and true or natural hair color;
  - (H) Eye color;
  - (I) Prosthetics, surgical implants, or cosmetic implants;
  - (J) Physical anomalies;
  - (K) Blood type (if known);
  - (L) Drivers License number (if known);
  - (M) Social Security Number (if known);

- (N) A photograph of the missing person(s) (recent photographs are preferable; the agency is encouraged to attempt to ascertain the approximate date the photograph was taken);
- (O) A description of the clothing the missing person(s) was believed to be wearing;
- (P) A description of items that might be with the missing person(s) (jewelry, accessories, shoes or boots etc.);
- (Q) Information on missing person's electronic communications devices such as but not limited to cell phone numbers, email addresses, etc.;
- (R) The reasons why the reporting person(s) believes that the person(s) is missing;
- (S) Name and location of missing person's school or employer (if known);
- (T) Name and location of missing person's dentist and/or primary care physician (if known);
- (U) Any circumstances that may indicate that the disappearance was not voluntary;
- (V) Any circumstances that indicate that the missing person(s) may be at risk of injury or death;
- (W) A description of the possible means of transportation of the missing person(s) (including make, model, color, license, and VIN of a vehicle);
- (X) Any identifying information about a known or possible abductor and/or person(s) last seen with the missing person(s) including:
  - (1) Name;
  - (2) A physical description;
  - (3) Date of birth;
  - (4) Identifying marks;

- (5) The description of possible means of transportation (including make, model, color, license, and VIN of a vehicle);
- (6) Known associates.
- (Y) Any other information that can aid in locating the missing person(s); and
- (Z) Date of last contact.
- (4) NOTIFICATION AND FOLLOW UP ACTION.
  - (A) NOTIFICATION. The law enforcement agency shall notify the person(s) making the report, a family member, or other person(s) in a position to assist the law enforcement agency in its efforts to locate the missing person(s):
    - (1) General information about the handling of the missing person(s) case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person(s), to apprehend or prosecute any person(s) criminally involved in the disappearance;
    - (2) That the person(s) making the report or other necessary person(s) should promptly contact the law enforcement agency if the missing person(s) remains missing to provide additional information and materials that will aid in locating the missing person(s). The law enforcement agency should also notify the person(s) of the specific information or materials needed such credit/debit cards the missing person has access to (and other banking information) and records of cell phone use;
    - (3) The law enforcement agency shall notify the person(s) making the report that any DNA samples provided for the missing person(s) case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose;
    - (4) The law enforcement agency is encouraged to make available informational materials (through publications or electronic or other media) that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

- (B) FOLLOW UP ACTION. If the person(s) identified in the missing person report remain missing after thirty days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:
- (1) DNA samples from family members and/or from the missing person(s) along with any needed documentation, including any consent forms, required for the use of State or Federal DNA databases including but not limited to the Local DNA Database (LDIS), State DNA Database (SDIS), and National DNA Database (NDIS);
  - (2) An authorization to release dental or skeletal x-rays of the missing person(s);
  - (3) Any additional photographs of the missing person(s) that may aid the investigation or an identification. The law enforcement agency shall not be required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person(s);
  - (4) Dental information and x-rays; and
  - (5) Fingerprints.
- (C) All DNA samples obtained in missing person(s) cases shall be immediately forwarded to [specify state crime laboratory or other accredited laboratory that will perform the DNA analysis] for analysis. The laboratory should establish procedures for determining how to prioritize analysis of the samples relating to missing persons cases;
- (D) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
- (E) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the thirty-day period.

SEC XXX.2. LAW ENFORCEMENT ANALYSIS AND REPORTING OF  
MISSING PERSON(S) INFORMATION.

(1) PROMPT DETERMINATION OF HIGH-RISK MISSING PERSON(S)

(A) DEFINITION. A high-risk missing person(s) is an individual whose whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death. The circumstances that indicate that an individual is a "high-risk missing person(s)" include any of the following, but are not limited to:

- (1) The person(s) is missing as a result of a stranger abduction;
- (2) The person(s) is missing under suspicious circumstances;
- (3) The person(s) is missing under unknown circumstances;
- (4) The person(s) is missing under known dangerous circumstances;
- (5) The person(s) is missing more than thirty (30) days;
- (6) The person(s) has already been designated as a "high-risk missing person(s)" by another law enforcement agency;
- (7) There is evidence that the person(s) is at risk because:
  - (A) The person(s) missing is in need of medical attention, or prescription medication;
  - (B) The person(s) missing does not have a pattern of running away or disappearing;
  - (C) The person(s) missing may have been abducted by non-custodial parent;
  - (D) The person(s) missing is mentally impaired;
  - (E) The person(s) missing is a person under the age of twenty-one;
  - (F) The person(s) missing has been the subject of past threats or acts of violence.



- (8) Any other factor that may, in the judgment of the law enforcement official, determine that the missing person may be at risk.

(B) LAW ENFORCEMENT RISK ASSESSMENT.

- (1) Upon initial receipt of a missing person(s) report, the law enforcement agency shall immediately determine whether there is a basis to determine that the person(s) missing is a high-risk missing person(s);
- (2) If a law enforcement agency has previously determined that a missing person(s) is not a high-risk missing person(s), but obtains new information, it shall immediately determine whether the information provided to the law enforcement agency indicates that the person(s) missing is a high-risk missing person(s);
- (3) Risk assessments identified in this subsection shall be performed no later than \_\_\_\_ hours after the initial missing person(s) report or the new information was provided to the law enforcement agency.
- (4) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person(s) cases to accomplish the purpose of this act.

(C) LAW ENFORCEMENT AGENCY REPORTS.

- (1) When the law enforcement agency determines that the missing person(s) is a high-risk missing person(s) it shall notify [specify here the central state agency responsible for handling missing person(s) cases and notifying law enforcement agencies of missing person(s)]. It shall immediately provide to the [specify here the central state agency] the information most likely to aid in the location and safe return of the high-risk missing person(s). It shall provide as soon as practicable all other information obtained relating to the missing person(s) case;
- (2) The [specify here the central state agency] shall promptly immediately notify all law enforcement agencies within the State and surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person(s);

- (3) The local law enforcement agencies who receive the notification from the State agency specified in subsection (2) shall notify officers to "be on the look out" for the missing person(s) or a suspected abductor;
- (4) The responding local law enforcement agency shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. If the responding local law enforcement agency does not have the capability to enter this data directly in the State and Federal databases, the [specify the central state agency] shall immediately enter all collected information relating to the missing person(s) case in available State and Federal databases. The information shall be provided to in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:
  - (A) A missing person(s) report in high-risk missing person(s) cases (and relevant information provided in the report) shall be entered in the National Crime Information Center database immediately, by no more than 2 hours of the determination that the missing person is a high-risk missing person; All other missing person(s) reports (and relevant information provided in the report) shall be entered within one day after the missing person(s) report is received. Supplemental information is high-risk missing person(s) cases should be entered as soon as practicable;
  - (B) All DNA profiles shall be uploaded into the missing persons databases of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry;
  - (C) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
- (5) The [specify the central state agency] shall ensure that person(s) entering data relating to medical or dental records in State or Federal databases are specifically trained to understand and correctly enter the information sought by these databases. The [specify the central agency] is strongly encouraged to either use person(s) with specific expertise in

medical or dental records for this purpose or consult with the [specify here a chief medical examiner, forensic anthropologist, or an odontologist] to ensure the accuracy and completeness of information entered into the State and Federal databases;

- (6) Pursuant to any applicable State criteria, local law enforcement agencies should also provide for the prompt use of an Amber Alert or public dissemination of photographs in appropriate high risk cases;

### SEC.XXX.3. REPORTING OF UNIDENTIFIED PERSONS/HUMAN REMAINS

#### (1) HANDLING OF DEATH SCENE INVESTIGATIONS.

- (A) The [specify central state agency] shall provide information to local law enforcement agencies about best practices for handling death scene investigations;
- (B) The [specify central state agency] shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers concerning the handling of death scene investigations.

#### (2) LAW ENFORCEMENT REPORTS.

- (A) After performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the human remains are delivered to [specify here appropriate coroner or medical examiner];
- (B) Any person with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the [specify central state agency] of the location of those remains;
- (C) If the person with custody of remains cannot determine whether or not the remains found are human, it shall notify the [specify central state agency] of the existence of possible human remains.

SEC. XXX.4. UNIDENTIFIED PERSONS/HUMAN REMAINS IDENTIFICATION  
RESPONSIBILITIES.

- (1) If the official with custody of the human remains is not a medical examiner, the official shall promptly transfer the unidentified remains to the [specify the medical examiner agency qualified to examine human remains for the purpose of identification] with responsibility for seeking to determine the identity of the human remains;
- (2) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner shall make reasonable attempts to promptly identify human remains. These actions may include but not are limited to obtaining:
  - (A) Photographs of the human remains (prior to an autopsy);
  - (B) Dental or skeletal X-rays;
  - (C) Photographs of items found with the human remains;
  - (D) Fingerprints from the remains (if possible);
  - (E) Sample[s] of tissue suitable for DNA typing (if possible);
  - (F) Sample[s] of whole bone and/or hair suitable for DNA typing;
  - (G) Any other information that may support identification efforts.
- (3) No medical examiner or any other person shall, dispose of, or engage in actions that will materially affect the unidentified human remains before the medical examiner obtains—
  - (A) Samples suitable for DNA identification, archiving;
  - (B) Photographs of the unidentified person/human remains; and
  - (C) All other appropriate steps for identification have been exhausted;
- (4) Cremation of unidentified human remains is prohibited.
- (5) The medical examiner, coroner, or the [agency designated by the central state law enforcement agency] shall make reasonable efforts to obtain prompt DNA analysis of biological samples, if the human remains have not been identified by other means within 30 days.

- (6) The medical examiner, coroner, or the [agency designated by the central state law enforcement agency] shall seek support from appropriate State and Federal agencies for human remains identification efforts. Such support may include, but is not be limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or Federal grants for crime laboratory or medical examiner office improvement;
- (7) The [medical examiner or other agency designated by central state law enforcement agency] shall promptly enter information in Federal and State databases that can aid in the identification of missing person(s). Information shall be entered into Federal databases as follows:
- (A) Information for the National Crime Information Center within [X] hours;
  - (B) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within five business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and
  - (C) Information sought by the Violent Criminal Apprehension Program database as soon as practicable.
- (8) If medical examiner office personnel do not input the data directly into the Federal databases, the [specify the central state agency] shall consult with the medical examiners office to ensure appropriate training of the data entry personnel and the establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in the Federal and State databases;
- (9) Nothing in this Act shall be interpreted to preclude any medical examiner office, the [central state law enforcement agency], or a local law enforcement agency from pursuing other efforts to identify unidentified human remains including efforts to publicize information, descriptions or photographs that may aid in the identification of the unidentified remains, allow family members to identify missing person(s), and seek to protect the dignity of the missing person(s).

## Explanatory Comments

Each year families in the United States struggle with the agony of having to report a missing loved one. Far too often, missing persons investigations grow cold leaving many to cope with the loss of a loved one without closure. Historically, law enforcement community's ability to locate and ensure a safe return of those missing has been hampered by an inability to share resources and information when conducting investigations and identifying remains.

This model state legislation seeks to address this significant national problem as it relates to reporting persons as missing and the identification of human remains. For cases involving missing persons, law enforcement's ability to locate and ensure a safe return must be improved. This can occur if law enforcement is granted additional tools to identify high-risk missing persons cases and can promptly disseminate critical information to other law enforcement agencies and the public. This model legislation provides a framework for improving law enforcement's response in this regard.

Sec XXX.1. Missing Person(s) Reports. This section provides a proposed statutory scheme that ensures that missing persons reports are promptly taken by law enforcement. National experts on the issues of missing persons and identification have reported that some law enforcement policies are inadvertently impeding the collection of missing persons information. Subsections XXX.1(1)–(2) ensure that any family member or interested person will have multiple options available to make a missing persons report. For jurisdictions covering large geographic areas, the legislation may need to require law enforcement agencies to accept missing persons reports by phone. Subsection XXX.1(3) encourages the collection of specific information that is most likely to aid in the location, swift return, or identification of the missing person. At the same time, this section provides a scheme that allows immediate collection of information likely to be available to the reporting person. Subsection XXX.1(4) provides for notification to persons making law enforcement reports, family members and loved ones about law enforcement efforts for missing person cases generally and, to the extent appropriate, provides information relating to their specific missing person. Subsections XXX.1(4)(B)–(C) ensure the collection within 30 days of additional information or samples that can aid in the identification of human remains.

Section XXX.2. Law Enforcement Analysis and Reporting of Missing Persons(s) Information. After the collection of critical information, law enforcement agencies need to be able to analyze it promptly to determine whether the missing person is at risk of immediate harm. This section establishes a mechanism for determining high-risk missing persons cases and disseminating critical information to other law enforcement agencies and the public that can help locate the missing person. The dissemination strategy for high-risk cases maximizes the use of national databases, ensures prompt dissemination of information to patrolling officers, and encourages the use of Amber Alerts (proven to be highly effective in promptly locating abducted juveniles).

Specifically, subsections XXX.2(1)(A)–(B) provide a mechanism for promptly making an assessment whether the missing person is a “high-risk missing person.” Subsection XXX.2(C) provides for the centralized and prompt reporting of a high-risk missing person, the notification of appropriate local law enforcement agencies of the high-risk missing person, and encourages patrolling officers to seek to locate the high-risk missing person and abductor. If the central state agency official in subsection XXX.2(C)(2) is not staffed 24 hours a day, the statute should specify how this notification will be accomplished. Subsection XXX.2(C)(4) ensures prompt reporting of essential information to national and State databases. Subsection XXX.2(C)(6) encourages the use of specially trained person who can enter information in the national databases (as national experts have reported that data entry of this forensic and medical information requires specialized training). Subsection XXX.2(C)(6) also encourages the use of Amber Alerts to locate promptly high-risk missing juveniles.

Section XXX.3. Reporting of Unidentified Persons/Human Remains. Section XXX.3 and Section XXX.4 together provide a step-by-step approach for improving the collection, analysis and dissemination of information that will aid in the identification of human remains. Subsection XXX.3(1) seeks to improve death scene investigations through increased dissemination of best practice information, publications and notification of training opportunities. Subsection XXX.3(2) seeks to ensure that remains are delivered to appropriate agencies and that there is centralized reporting for the state of the existence of unidentified human remains.

Section XXX.4 Unidentified Persons/Human Remains Identification Responsibilities. Subsection XXX.4(1) seeks to ensure that unidentified remains are transferred to a medical examiners office, as that office would be most likely to possess the expertise necessary for an identification. Subsection XXX.4(2) ensures reasonable means are pursued by the medical examiner to make an identification. Section XXX.4.(3) ensures that the remains of unidentified persons are protected from cremation or other actions until the medical examiner conducts an examination and collects of samples to assist in the identification investigation. Section XXX.4(4) encourages that State agencies to seek available support from appropriate Federal agencies for the identification effort. (Currently, such support is available through the National Institute of Justice and the Federal Bureau of Investigation. Additional information relating to available resources can be found at [www.dna.gov](http://www.dna.gov).) Section XXX.4(5) and (6) ensures that information critical to identification efforts is entered into existing Federal databases. Section XXX.4(7) makes clear that other identification efforts should be examined and pursued, if appropriate.

For more information on this and other issues, please visit [www.DNA.gov](http://www.DNA.gov).

## ***Attachment 6***

***Vanished Voices, dedicated in  
memory of Bernadette M. Caruso***



# Flame Of Hope

Vanished

Voices

Missing Persons



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# **Missing, Vulnerable and Unidentified Persons**

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*Task Force Report*

*January 10, 2005*

*Prepared by Maryland Missing Persons Network*

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*This report is devoted to the memory of  
Bernadette M. Caruso,  
who disappeared September 27, 1986,  
I-270 Jane Doe found July 31, 1991,*

*All the loved ones of  
Maryland's missing,  
murdered,  
and unknown victims,*

*And those devoted to Vanished Voices*

## The History of a Flawed missing person database

### FBI's Database

"What good is it to put the information in the system if it doesn't work?" – Quote from Seattle-PI series on missing persons

The National Crime Information Center (NCIC) was developed in 1975. It was not required to report missing persons until the 1984 Missing Children Act. Although a section involving unidentified human remains was created in 1982, unidentified bodies were not required to be reported until the 2002 passing of Jennifer's Law; there is no enforcement presently on this. There are over 5,200 unidentified (UNID) bodies listed in NCIC. Over 1,500 of these are possible juveniles.<sup>1</sup>

- The FBI computer system that is used to match missing persons with dead human remains is flawed. Designed in the 1980s, it often does not produce all of the matches that it should –
- Or comes up with so many erroneous matches that it overwhelms investigators.
- Some data entry categories in NCIC are unnecessary.
- The NCIC automatic search engine is unreliable.
- Remains are consistently found within a reasonable proximity from missing locations, yet they are not always associated with missing person reports.
- It is designed to search for precise matches -- something impossible to get when there is no method to accurately assess the height, weight and hair color when only part of a body is found or skeletalized.
- There is no reliable way to search for relationships between missing people such as a mother and child.
- A person's physical characteristics can change drastically from the time they go missing to the time a body is found and variables are not allowed to offset this.
- Local police typically must check each potential match by making time-consuming and usually futile phone calls and other inquiries.
- Many authorized officials said they were unaware of these problems and rely on it fully in their investigations.
- There is no enforcement to require unidentified bodies to be entered into NCIC.
- Missing and incomplete reports. Every year, NCIC quality control validates cases. All police departments are subject to this by Maryland State Police (MSP) auditors, but it is an administrative function to make sure proper information is entered and that it has backup material such as reports. It does not check to see if there are cases that should be in NCIC, which aren't.
- The auditors check information already in the system only to see whether entries are complete and whether agencies remove cases after they are solved. They do not determine why a case has been purged, or if it should have been purged.
- The audits also are limited. They do not access the NCIC unidentified-persons file, which is a repository of information about 5,000 unidentified deceased persons, to see whether they are accurate and complete.
- NCIC dental database is not a useful matching tool. In an accuracy test, four missing persons' dental records and their postmortem dental records were entered into NCIC and it failed to match them. This is supposed to be improved with NCIC 2000, but only 5 percent of missing person dental records are in NCIC.

<sup>1</sup> [http://www.geocities.com/ghforensics/ncic\\_stats.htm](http://www.geocities.com/ghforensics/ncic_stats.htm)

## No Tracking System

Maryland lacks tracking for missing adults and unidentified bodies

- Maryland lacks a clearinghouse on adult missing persons and unidentified human remains.
- Many missing person and unidentified remains cases, especially older cases, have never been entered into NCIC.
- There have been numerous cases across the United States and Maryland, of missing persons that should have been connected to unidentified bodies that NCIC did not pick up.
- Many of these involve the same states or neighboring states.<sup>1</sup>
- **Maryland has over 200 cases (since 1990) of still-unidentified human remains.**
- **Only a little over 50 of these cases have ever been entered in NCIC. This means only 25% of UNID cases in Maryland are being compared with missing persons.**
- Out of over 200 cases, only 17 have been made available to the public.
- Very few of these cases have reconstructions or sketches available to identify the dead.
- Many Maryland agencies do not have trained investigators reviewing missing person reports.
- Body Dumping – Murderers can escape detection for some time by crossing jurisdictional lines. (Gardner Montgomery County, and Miller cases are examples.)
- **About three of every five Alzheimer's patients will wander at some point.** There is a need for an immediate alert and search on these vulnerable persons, but search and rescue teams often lack volunteers. *(Forty percent of those who are lost for more than 24 hours will be found dead, often from cold, dehydration or exhaustion.)*
- Runaways are not always reported to the state clearinghouse for missing children, **violating a federal law.** Countless juveniles have died when they left home or have murdered someone themselves.
- Investigators often do not know of missing person cases, even cold-case ones, in neighboring counties.
- There are at least 17 cases of unidentified deceased children in this state, (newborn to late teens) but only 4 of these cases are profiled on NCMEC.
- **Several of these cases are not in NCIC.**
- Privacy laws prohibit foster children from being put on National Center for Missing and Exploited Children (NCMEC) without court approval. These children are especially vulnerable to harm, and every effort should be made to find them.
- Across the country, foster children have not been reported missing routinely by caseworkers, and not put into NCIC. Foster home runaways are less likely to be identified if they are found dead. Across the country, over 400 children have been missing for longer than a decade from state care across the US.<sup>3</sup>
- Many agencies across the country routinely delete missing children from NCIC when they turn 18.

<sup>1</sup> See case profiles

<sup>3</sup> Missing Foster kids turn up dead, Sun Sentinel Dec. 2003

## Law Enforcement

- **Not identifying homicide victims is a public safety issue.**
- Police often fail to *acquire* dental or medical records for missing persons over 30 days. Police departments either do not know about or routinely ignore state and federal laws that require them to seek dental or medical records. Better training could increase compliance, but the law needs *teeth*.
- Cases are not always cleared *from* NCIC when people are found alive or deceased. This causes considerable waste of time when other agencies look into these cases for possible matches with their cases.
- Missing person and cold case units have inadequate staffing and resources. This prevents detectives from concentrating solely on those cases.
- Missing person reports are often refused in cases of drug addicts, mentally ill persons and prostitutes, although they are the most vulnerable to harm.
- There is a need for some relatively easy way to disseminate information nationwide, particularly to law enforcement agencies on missing and unidentified persons cases. One example from an investigator is that she has a new reconstruction of a Jane Doe case, but struggles with having no easy way to get this flier to every law enforcement agency across the country. (*Bulletins are often ignored*)
- Pictures of several missing adults have been lost by agencies.
- Several police agencies are unaware of unidentified cases in their jurisdiction.
- Some police agencies are not using Internet capabilities to the best of their ability, such as putting their missing and unidentified cases on their department's home page.
- The Doe Network has seen at least 10 cases where a hit was made on an unidentified body by someone viewing an online reconstruction on either a medical examiner web site or a police web site.<sup>1</sup>
- Two cases of Maryland unknowns have been solved <sup>2</sup> by persons cross-matching information.
- Four other Maryland cases are under various stages of DNA testing based on volunteer networking.
- Information sharing remains a problem. An integral part of a missing-person investigation is sharing the data, because victims often turn up in another county or state -- some deceased. Three cases in Maryland fall into this category of either being found in the same state or neighboring state.<sup>3</sup>
- **Linkage Blinding** - Tracking and identifying missing persons solves homicides, and serial killings at times. The major mistakes made in the Ted Bundy and Green River cases (and countless other serial killing) were failures to **track and identify missing persons**.
- *Law enforcement* agencies do not always provide information to other agencies about runaways / missing persons who may be in their area.
- *Law enforcement* agencies are not always informing the Center for Missing Children about missing children within the state.

<sup>1</sup> See case profiles

<sup>2</sup> Brenda Wright case, Tonya Gardner Case

<sup>3</sup> Tonya Gardner, Natalia Miller, Montgomery County case not released -- others are DNA stage

- Out-of-state investigators sometimes handle disappearances in Maryland. Often Maryland investigators are unaware of cases, especially when personnel are reassigned.<sup>3</sup> These cases should be on Maryland rosters. (*Reference the Judith O'Donnell case, Florida disappearance where the vehicle VIN was found in Maryland*)
- If agencies want to provide the best quality investigations relating to missing persons they must first make sure that they select qualified persons and provide them with the best possible training in regards to missing and unidentified persons.
- The agencies also must have a policy in place relating to the investigation of missing and unidentified persons, with standardized reporting forms.
- Privacy concerns often prevent agencies from sharing information. People on the fringes of society often die anonymous death. Foster children, former inmates, and substance abusers are particularly vulnerable to this, and several cases in Maryland have resulted in deaths.<sup>4</sup>
- Cases of Marylanders who disappear in other states are not profiled on those states missing person web sites.
- Crime solver programs in Maryland are not being used in missing person cases. The Carole-Sund Foundation has implemented a program across the United States in these types of cases, and the overcome has been phenomenal.
- Vicap does not always link crimes. Sometimes simple networking has made the best connections.
- Very little training is given to missing person investigators. There are courses for child abuse, rape, homicide, etc, but no specialized training handling missing person cases.
- Sometimes having too many agencies working cases can be problematic. When you have social workers, child abuse workers, advocates, and police all working together on child abuse cases, you often have persons not information sharing. Combined criminal task force or needed when there are more than one agency "helping."

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<sup>3</sup> *Judith O'Donnell case*

<sup>4</sup> *Sarah Jane Forrester, Quartrina Johnson, Serina Swann, possibly a missing Baltimore boy*

## Families of Missing Persons

### **Families searching on their own for possible unidentified bodies of their missing persons hit a stonewall.**

1. When families contact the medical examiner's office, they are asked to give a specific date to search. This is not effective if their missing relative is skeletal remains found years later.
2. When families contact police jurisdictions for possible body matches, police rely on NCIC to look for possible matches. (Yet only 25% of bodies are being searched)
  - Families cite they were given no direction from police on what to do.
  - In some cases, families needlessly have to wait years for news of their missing person, when the answer could have been provided years ago. **Could some of Maryland's missing persons be unknowns that have never been connected?**
  - Families of missing persons have been exploited in the past by private investigators, psychics, or other opportunists.
  - Families have deemed publicly displayed profiles of a missing person case demeaning.<sup>1</sup>
  - Lack of prosecution – There are several old cases in this state where circumstantial evidence is strong on missing person cases, but prosecution is at a standstill. Many of these cases have domestic violence issues between the possible offender and the missing.
  - Families often cite lack of communication and direction from police in missing person cases. There are victim advocates at the state's attorney's office, but they don't get involved with missing person cases unless it's ruled a homicide.
  - Communication with family in missing person cases is often not sufficient, with several families stating they had information to share and it took days for someone to contact them.
  - Families have cited it has taken over a week to get a return call.
  - Families do not know what to do if a police report is refused.
  - Families feel that high-profiled cases get immediate searches, when cases of other endangered adults are left at a standstill.
  - Families feel there should be a liaison that is immediately contacted that will provide them support on how to deal with the media, police, counseling, and search and rescue.
  - Families are not given information on agencies that can help them such as the National Center for Missing Adults, which helps families in the anxious aftermath of the disappearance of a loved one. The center also offers legal advice to deal with estates, belongings or death declarations, and counseling advice for the many who seek a safe haven in which to cry, rage and wait for the end that never seems to come. Many families have said they never received or even heard about such assistance.
  - From one family member: "The biggest problem is that people do not know what to do. It took me 6 months of spinning around before I found help. Shortly after we made posters of my missing relative and posted them, she came back. There needs to be some kind of check list and also a list of all the organizations that will help."
  - Some families have stated that police did not take their case seriously, or felt training could be improved to recognize mentally ill persons as vulnerable to harm.
  - One woman had trouble getting a missing person report filed on her daughter, who was without medications for psychiatric disorders that diminish her mental capacities. She was told repeatedly that

<sup>1</sup> Izzett, a county web site

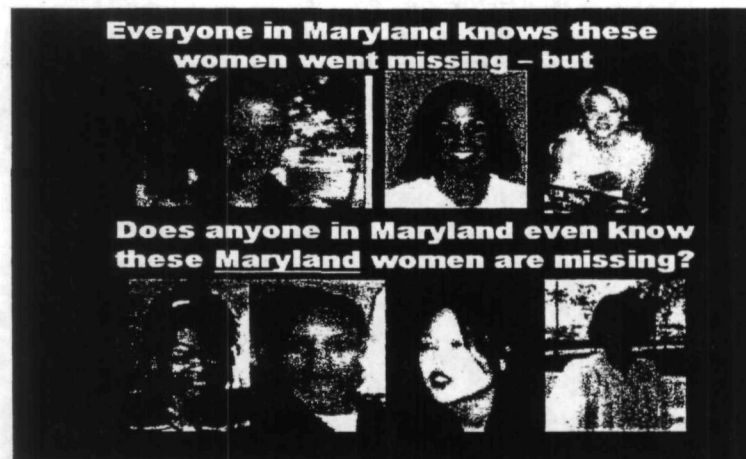


the daughter was 18 and free to do what she wanted. The mother had to bring psychiatrist reports to the police department before they'd take a report.

- Another woman had a sister who was bi-polar and in obvious need of mental help (was living on the street when found), and given no direction of where to look/what to do once she was found. At the very least, a referral to another agency, such as a crisis agency, should be coordinated.
- Elderly people need immediate Search and Rescue (SAR's) teams organized to find them when they disappear, and many SAR's teams need manpower.
- There has been training provided in situations such as Alzheimer's, but very little training in dealing with vulnerable adults such as drug addicted, homeless, alcoholic, and mentally ill persons.
- Many, who are aware that publicity finds most missing persons, have a negative reflection on the media sensationalizing out-of-state cases and ignoring local missing persons.
- Departments have different policies on communication with families in missing person cases.
- Some families felt local, state, and federal representatives ignored them.
- Families have suggested a day of "remembrance" each year for missing and murdered persons.
- In one case in Maryland, a missing person was the spouse of a police officer who had threatened to make her disappear. This case has been stagnant for 18 years, and the same agency is handling it.
- Families feel police are given heavy caseloads, which impacts the search for their missing relative.

## The Media

And public awareness



- Few people are aware of how many people are missing in this state.
- Citizens, schools and social services programs can also work actively to spread awareness on missing-person issues.
- Cooperation among law enforcement, social service programs, parents and schools can prevent these situations by teaching people the signs of how and why people disappear.
- Missing persons have few advocates for reform. Involving families to lobby for families of missing persons can prompt local, state and national reform. It was a father's perseverance that led to the watershed Missing Children's Act of 1982.
- Papers/TV very often carry "sensationalized" missing person cases and ignore local cases. For instance, The Washington Post had 77<sup>1</sup> mentions in 2 years on Chandra Levy – 1 sidebar article on a Gaithersburg missing woman.
- The number one way a missing person is found is through publication, yet who gets broadcast is subject to dispute.
- As the relentless search for Levy was covered twenty-four seven by the media, families were questioning how her disappearance deserved more coverage than the thousands of missing children and victims of unsolved homicides.
- The media could be involved in finding very young runaways, but very rarely is.

<sup>1</sup> Online research

## Forensics

- Errors can happen with age estimations of UNIDs which can mislead identifications. Investigators rely on this information to search for body matches.
- Investigators have stated (when given possible matches) that it can't be the person because their reports state the person is between XX-XX ages, and information is disregarded) *Should some training be given in this area?*
- Few identity cases are solved through DNA, but through lack of knowledge or training the first direction police head is DNA for identifications. *Dental records and fingerprints account for nearly all of identifications, and are quicker and less costly than DNA.*
- Maryland has a dental database separate from NCIC that is not being used to the best of its ability. (Missing persons dental records are collected at a national average of about 6 percent.)
- If dental databases can be shared state to state, then more cases might be solved. However, volunteer forensic dentists have no authorization to do this or to get dental records.
- Nationwide, dentists chart and submit dental records to police for NCIC entry. Such entries are consistently riddled with mistakes.
- Even experienced dentists without forensics training come up with far different interpretations under NCIC Guidelines when charting the same teeth because the form is complicated and subjective.
- There has been an epidemic of staff turnover at the state forensic lab, which is hindering the process of DNA. State crime labs now have a backlog of thousands of cases awaiting DNA tests related to unsolved crimes or those needed for pending court cases.
- Offender DNA samples still need to be processed and entered into the CODIS system. While each CODIS case costs about \$70 to \$80 to process, DNA for missing-person cases is more complex and would cost \$250 to \$500 per case.
- There is no federal law requiring police to seek DNA samples for missing-person cases, limiting the fledgling system's effectiveness.
- Facial reconstructions have been incorrect, which can cause identification delays. One in particular involved a facial reconstruction showing missing teeth, but the recovered jaw had no missing teeth.
- Dentist at time are afraid to give up dentals out of fear of violating HIPPA.
- Police at times attempt to get family doctors, instead of forensic dentists, to do dental identifications.

Suggested

# Solutions

**Support a group such as the Doe Network.** There should be one public online resource that everyone has access to. Families come to the Doe Network daily searching for missing and unidentified persons. Information could easily be limited to what information investigators feel comfortable releasing. The Doe Network should be formed into a Federal or State funded organization with unlimited resources.

## Tracking system -

- Establish a centralized department to track adult missing and unidentified person cases.
- *Allow a one-year grant for a knowledgeable person to pull together all the missing person and unidentified cases in the state.*
  1. Have this individual cross-examine missing and unidentified cases.
  2. Coordinate and effort between forensic artists and investigators to produce facial reconstructions on unidentifieds.
  3. Coordinate an effort to get dentals on cases that lack them.
- *Require all agencies to comply with this. (\*Some agencies will not release any information on their missing persons)*
- Create a web site (like the Texas Department of Public Safety) which will list every missing person cases or unidentified case, (and disappearances related to Maryland). *Marylandmissing.com can easily be converted to a .gov web site.*
- Implement a crime-solvers program with this web site.
- Ensure that Maryland residents who disappear out of state will be placed on those states missing person web sites.
- NCIC 2000 has been partially implemented, but this needs to be examined to see if it meets the needs of missing persons in this state.
- Require all UNID cases to be entered in NCIC – even the ones which have never been entered.
- Require regular updates from clearinghouse/investigators to families on progress of cases.
- **Provide a handbook to all police stations in Maryland to give to families of missing persons (see sample)**
- Each case of juvenile unknowns in the state should be put on NCMEC.
- A study of missing foster children in Maryland should be conducted. There are existing cases where such as this not profiled on NCMEC and possibly not in NCIC.
- Create a toll-free hotline for families to get information on what to do in missing person situations.
- Provide families with information on local support groups.
- A simple booklet should be put together which will be printouts of each long-term missing person case in the state by county. This booklet should be sent to each police department in Maryland. This could be a valuable tool to connect similar crimes. (This should also be sent to neighboring states)
- Create a monthly newsletter/bulletin about different Maryland unknown cases / missing person cases and unsolved crime and sent it to dental organizations, battered women's shelters, and related associations.
- Make an effort to get Maryland juvenile unknowns identified. Have interns contact each agency in the United States that deals with foster children, runaways, throwaways, and battered shelters. Use the media to widely re-publicize these cases.
- There has been a lot of Federal money dedicated over the years to Domestic Violence. **How much Federal money has been dedicated to missing and vulnerable adults?**

## **Search and Rescue –**

- A Child Is Missing Inc. [www.achildismissing.org](http://www.achildismissing.org) Could a similar program be set up in Maryland near all retirement homes / nursing homes?
- Some search parties sometimes have problems recruiting volunteers. Could a solution be to implement programs in high schools for volunteer credits? If this was implemented in a couple high schools in each county and had enough volunteers, it would be an added bonus in trying to find the elderly.
- Locator System – is there a way to expand this successfully for adults missing?

## **Forensics –**

- Are all missing and unknown cases in CODIS? *See article on "Jane Doe suspect Nabbed"*
- Require dental records to be collected after a person has been missing for 45 days and create a tracking system to make sure this is done.
- Require social services to provide dental records of foster children who are still missing after 45 days and have someone oversee that this is done.
- Authorize the lead forensic dentist in Maryland to share dental database of missing and unknowns state-to-state.
- Coordinate an effort to get facial reconstructions on each UNID case in the state with a skull. **Project Edan has free volunteer forensic artists.**
- Training should be provided to law enforcement who work with missing persons, to explain the dental identification process. Dental identification is a quick, online process now, however many investigators are unaware of this.
- NCIC 2000 appears to be improved but since less than 5% of missing person records are in it, how effective is it?

## **Law Enforcement –**

- Are there policies in place to prevent unsolicited contact with families from psychics and private investigators or other opportunists?
- Create a check box on missing person's forms that state the family was given a booklet on what to do in missing person's situation.
- Obtain, and train the most-qualified investigators for missing person cases.
- Provide police with training on the new HIPAA laws if this has not been done.
- Examine communication improvements among neighboring states with missing persons
- Examine which departments are not sending missing children to the clearinghouse, and provide training as needed.
- Washington State developed a standardized "Missing Person Toolbox" that was distributed statewide to help guide the officials. Check to see if this is suitable for Maryland.
- Examine how effective systems used in Maryland are to track violent crime related to missing persons. In Washington State, a program was developed to track such: *The HITS system, created in 1987 with a federal Justice Department grant, and now run by the state Attorney General's Office, is widely known as a national model and functions even better than the federal government's vaunted ViCAP, formed in 1985 to improve communication between law enforcement agencies nationwide. What sets HITS apart, however, is its team of veteran homicide investigators, all retirees from local departments. Each is responsible for a region of the state in which they collect data on violent crimes from each police agency and provide confidential consultation about tough cases. Programs such as HITS are critical in overcoming "linkage blindness."*
- Use interns to obtain pictures of missing person where a photo cannot be located.

- ***Are unidentified person fingerprints run through military databases?*** (Loudoun County had a case of a UNID which remained unknown for 7 years until his fingerprints were run through military records – he was missing from Baltimore)
- ***Are dentals of unknowns run through the Military Dental Database?***
- Get a knowledgeable person to collect all the police agencies emails (in homicide / missing persons) in the United States who work with unknowns or missing persons.
- Examine the new Washington State missing person training video for police. ***Contact Family and Friends of Violent Crime Victims (Washington State) for information***
- Is a Lifesavers program implemented in Maryland?
- Keep other agencies that interact with persons in crisis informed of missing persons. Such as fire departments, crisis centers, women's shelters.
- Incorporate criminal justice students for internships or assign a missing person case as a class project.
- Incorporate missing person investigators into the Council of Government (COG) Task Forces where appropriate.
- Have outside agencies review cases periodically when appropriate (cite Baltimore case where the missing was divorcing a Baltimore police officer who had threatened to make her disappear)
- Create an intranet among all police agencies in the state where missing person investigators can login and online network about their cases. See the Doe Network online forum for a good example.
- The people often committed these offenses such as kidnapping, murder, rape, which relate to missing persons are the people that must be watched, not the entire population or children.
- More money should be allocated toward tracking not just sex offenders, but kidnappers, murderers, and people with violent tendencies.
- GPS tracking systems should be used when these people are on house arrest, not ankle bracelets.
- The law needs to be examined as to why a registry doesn't exist for murderers, or other violent criminals.
- At a minimum, training could be offered at a yearly, mandatory in-service training in missing person cases. A course such as this could easily be coordinated by a knowledgeable person.

#### **Media -**

- Create (see **Seattle-PI printout**) a spread of all UNID cases in Maryland, and ask papers to print it
- Encourage investigators to contact the media in case of runaways under 14.
- Encourage press releases to be issued by departments on case anniversaries / birthdays of missing persons.
- Provide media sources with a list of anniversaries of missing / unidentified cases.
- Thousands of people ride the metro, light rail, etc. Wouldn't this be a good place to put pictures of runaways, endangered adults, unsolved homicides, etc?

#### **The Maryland Missing Persons Network was founded by:**

Kylen Johnson, Maryland Director for the Doe Network

Sgt. Roger Cassell, retired, Maryland State Police

Dr. Warren Tewes, DDS, volunteer forensic dentist, OCME

[www.marylandmissing.com](http://www.marylandmissing.com)

# **TASK FORCE ON MISSING VULNERABLE ADULTS**

## **Guest Speakers**

January 10, 2005

Ms. Kylen Johnson, Doe Network

May 10, 2005

Ms. Cathy Gardner – *Mother of Tracey Gardner-Tetso*

Ms. Sue McNamee – *Legislative reference*

Mr. Chip Wieman – *MD/DC/DE Broadcasters Association*

Dr. Warren Tewes – *Office of the Chief Medical Examiner*

June 21, 2005

Mr. Harry Carlile – *FBI Training Instructor*

Detective Lt. Bowerman (Retired) – *Baltimore County P.D. Cold Case  
Homicide*

**TASK FORCE ON  
MISSING VULNERABLE ADULTS  
MEETINGS & THOSE IN ATTENDANCE**

**December 6, 2004, 1000 hours**

**Maryland State Police, Headquarters,  
1201 Reisterstown Road, Pikesville, Maryland 21208**

**THOSE IN ATTENDANCE:**

Chief Bernadette DiPino	Ocean City Police Department
RaeAnn Butler	Alzheimer's Association
Michele Douglas	Alzheimer's Association
John Conwell	Cable Telecommunications Association of MD/DE/DC
Carla Proudfoot	Maryland State Police, MD Center for Missing Children
Malcollm W. Smith	Maryland State Police
David W. Kloss	Maryland State Police
Major Michael Fischer	Maryland State Police
Captain Scott Yinger	Maryland State Police
David Fowler	OCME
James W. Phillips, Jr.	Maryland Sheriff's Association
Susan McNamee	Maryland Department of Legislative Services
Lorie Blevins	Maryland Stare Police

**January 10, 2005, 1000 hours**

**Maryland State Police, Headquarters**

**THOSE IN ATTENDANCE:**

Chief Bernadette DiPino	Ocean City Police Department
RaeAnn Butler	Alzheimer's Association
Michele Douglas	Alzheimer's Association
John Conwell	Cable Telecommunications Association of MD/DE/DC
Kylen Johnson	Doe Network
Maria A. Topper	Legislative Assistant for Delegate Jean B. Cryor
Carla Proudfoot	Maryland State Police, MD Center for Missing Children
Fran Campbell	Maryland State Police (Note Taker)



**May 10, 2005, 1000 hours,  
Miller Senate Building, Annapolis, Maryland**

**THOSE IN ATTENDANCE:**

Kathleen Dumais	House of Delegates
Bob Gunther	CTA
Guy Cherry	Department of Legislative Services
Sue McNamee	Department of Legislative Services
Cathy Gardner	Mother of Tracey Gardner-Tetso (Active Baltimore County Missing Person)
Kylen Johnson	Doe Network
Warren Tewes, DDS	Office of the State Medical Examiner
Chip Weiman	MD/DC/DE Broadcasters Association
George Manis	MD/DC/DE Broadcasters Association
David Cordle	Anne Arundel County State's Attorney's Office
Sergeant Ron Riggin	Maryland State Police
Fran Campbell	Maryland State Police (Note Taker)

**June 21, 2005, 1000 hours  
Maryland State Police, Headquarters**

**THOSE IN ATTENDANCE:**

Sue McNamee	Department of Legislative Services
Cathy Gardner	Mother of Tracey Gardner-Tetso (Active Baltimore County Missing Person)
Kylen Johnson	Doe Network
Warren Tewes, DDS	Office of the State Medical Examiner
Chip Weiman	MD/DC/DE Broadcasters Association
Ken White	AARP
John Conwell	Cable Telecom Association
Harry Carlile	FBI
Kathy L. Cross	FBI
Cynthia Johnston	FBI
Adrea Louh	FBI
Monte D. McKee	FBI
Carla Proudfoot	MSP Maryland Center Missing Children
Darlene & Sara Huntsman	Family of Bernadette Caruso
Susan Bowerman	Sister of Bernadette Caruso
Detective Lt. Bowerman	Retired Baltimore County PD Cold Case Homicide & Brother-In-Law to Bernadette Caruso
Roger Cassell	Retired Sergeant MSP Cold Case Homicide
Fran Campbell	Maryland State Police (Note Taker)

**August 30, 2005, 1000 hours**

**Maryland State Police, Annapolis Barrack,  
610 Taylor & Rowe Boulevard, Annapolis, Maryland**

**THOSE IN ATTENDANCE:**

Chief Bernadette DiPino	Ocean City Police Department
Cathy Gardner	Mother of Tracey Gardner-Tetso (Active Baltimore County Missing Person)
Warren Tewes, DDS	Office of the State Medical Examiner
John Conwell	Cable Telecom Association
Susan Bowerman	Sister of Bernadette Caruso
Julie Scheide	Legislative Aide to Delegate Kathleen Dumais

**September 9, 2005, 1000 hours**

**Maryland State Police, Annapolis Barrack**

**THOSE IN ATTENDANCE:**

Chief Bernadette DiPino	Ocean City Police Department
John Conwell	Cable Telecom Association
Carla Proudfoot	Maryland State Police, MD Center for Missing Children
Sue McNamee	Department of Legislative Services
Delegate Jean Cryor	House of Delegates
Phil Darey	Representative from Senator Jacobs Office
Fran Campbell	Maryland State Police (Note Taker)

**September 19, 2005, 1000 hours**

**Maryland State Police, Annapolis Barrack**

**THOSE IN ATTENDANCE:**

Chief Bernadette DiPino	Ocean City Police Department
John Conwell	Cable Telecom Association
Sue McNamee	Department of Legislative Services
Delegate Jean Cryor	House of Delegates
Captain Tom Williams	Maryland State Police
Cathy Gardner	Mother of Tracey Gardner-Tetso (Active Baltimore County Missing Person)
Fran Campbell	Maryland State Police (Note Taker)